TOM UDALL
3D DISTRICT, NEW MEXICO

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JOSEPH M. MONTOYA FEDERAL BUILDING 120 SOUTH FEDERAL PLACE ROOM 100 SANTA FE, NM 87501 (505) 984-8950 AL-000 2339

Congress of the United States House of Representatives

Washington, DC 20515-3103

October 26, 2000

COMMITTEES:

SMALL BUSINESS

SUBCOMMITTEE ON EMPOWERMENT SUBCOMMITTEE ON RURAL ENTERPRISES, BUSINESS OPPORTUNITIES AND SPECIAL SMALL BUSINESS PROBLEMS

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SUBCOMMITTEE ON FORESTS AND FOREST HEALTH

SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

Administrator Carol Browner Environmental Protection Agency 401 M. Street, S.W. Washington, DC 20460

Dear Administrator Browner,

I am writing on behalf of a constituent of mine who suffers from Multiple Chemical Sensitivities (MCS). This constituent has informed me that the EPA has recently rejected the National Environmental Justice Advisory Committee's (NEJAC) resolution on Multiple Chemical Sensitivities (MCS) and asks that you reconsider that decision.

It is my understanding that recent surveys in New Mexico and California found that 16% of the population in these two respective states believe themselves to be chemically sensitive and of these, 2-3% report being diagnosed with the more severe form of the illness called MCS. In addition, my constituent believes it is noteworthy that MCS is considered a potentially disabling condition by the Social Security Administration and HUD, federal agencies not represented on the interagency workgroup, and is covered under the American with Disabilities Act on a case-by-case basis.

With that in mind, it is the opinion of my constituent that the EPA decision to reject all the points in the NEJAC resolution may have been done hastily and/or based on inaccurate and out-of-date information contained in the Interagency Workgoups draft report on MCS. Specifically, they challenge the report's findings that, among others, there is no agreed upon definition for MCS, and that there are no objective signs of illness. Because of these perceived errors, they feel that basing the EPA decision on MCS information provided in this draft report is erroneous.

Thank you for considering this request. I look forward to hearing from you on this important matter. Please feel free to contact me or Thomas Steger of my staff.

Sincerely,

Tom Udal

Member of Congress

BRANCH OFFICES:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 19 2000

OFFICE OF RESEARCH AND DEVELOPMENT

The Honorable Tom Udall House of Representatives Washington, DC 20515-3103

Dear Congressman Udall:

Thank you for your letter of October 26, 2000, addressed to Carol M. Browner, Administrator, U.S. Environmental Protection Agency (EPA) on behalf of your constituent who suffers from symptoms of chemical sensitivity. Your constituent requests that EPA reconsider its response to the National Environmental Justice Advisory Committee's (NEJAC) resolution on Multiple Chemical Sensitivity (MCS). Your letter has been referred to the Office of Research and Development (ORD) for response.

By way of background in 1994, former EPA Assistant Administrator for Prevention, Pesticides, and Toxic Substances, Lynn Goldman, M.D., asked the U.S. Department of Health and Human Services (DHHS) to establish an interagency working group on Multiple Chemical Sensitivities. This MCS Interagency Working Group was established in 1995, in response to EPA's concerns about a lack of consensus on clinical definition for MCS among the medical community, and because the issues of clinical definition and establishing a "reportable condition" of Multiple Chemical Sensitivity are not within the scope of EPA's mission and expertise. The Interagency Working Group was co-chaired by the former Assistant Administrator of the Agency for Toxic Substances and Disease Registry (ATSDR) and continues to be chaired by the Director of the National Center for Environmental Health (NCEH). This working group reports to the interagency Environmental Health Policy Council (EHPC), chaired by DHHS' Assistant Secretary for Health. As charged, the Working Group developed a draft report on the state of knowledge about MCS and recommendations regarding policies and research sponsored at the federal level.

The Interagency Working Group's conclusion in the pre-decisional draft (August 26, 1998) of its report states,

"It is currently unknown whether MCS is a distinct disease entity and what role, if any, the biochemical mechanisms of specific chemicals have in the onset of this condition. The workgroup finds that MCS is currently a symptom-based diagnosis without supportive laboratory tests or agreed-upon clinical manifestations. This dependence on symptom-based diagnosis has resulted in the absence of a uniformly

agreed-upon case definition. The workgroup could locate no previously published reports of definite end-organ damage attributable to MCS. However, scientific knowledge changes over time as additional findings are reported; it is therefore important not to lose sight of lessons from the past in which suspected health effects of environmental exposures were verified at a later date through scientific research."

The Interagency Working Group has received public comments and will soon finalize its report and make recommendations to the EHPC. EPA continues to have representation on the Working Group as it proceeds with its deliberations.

The National Environmental Justice Advisory Committee (NEJAC) resolution urged EPA to work with other agencies to develop a series of both voluntary and regulatory measures to improve the health of people with MCS. Administrator Browner asked the Office of Enforcement and Compliance Assurance (OECA) to coordinate EPA's response to the NEJAC. In doing that, OECA consulted with other EPA offices, including: the Office of Research and Development; the Office of Prevention, Pesticides and Toxic Substances; and the Office of Air and Radiation. The Agency response reflected their comprehensive input and review.

The consensus of the EPA offices consulted for response to the NEJAC resolution is that – while EPA takes seriously the complaints of those who experience symptoms of chemical sensitivity – the state of medical knowledge regarding the definition, causes, and treatment of MCS is not sufficiently defined to warrant the type of standard-setting or regulatory action called for in the NEJAC resolution. EPA has forwarded the NEJAC MCS resolution to the Chair of the MCS Interagency Workgroup for their information and consideration as it finalizes its report and makes recommendations to the EHPC.

In light of the information presented above, EPA respectfully disagrees with your constituent's characterization of our response to the NEJAC resolution and assertions that our response "may have been done hastily and/or based on inaccurate and out-of-date information contained in the Interagency Workgroup's draft report on MCS." It is our view that we have acted responsibly and appropriately in this matter.

Sincerely,

Norine E. Noonan, Ph.D. Assistant Administrator

Nome E. noonan

cc: Steven A. Herman (2201A)
Robert Perciasepe (6101)
Susan H. Wayland (7101)
Tim Oppelt (8101R)
Hugh McKinnon (MD235)

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Congress of the United States House of Representatives

Washington, **DC** 20515-3103

COMMITTEES:

AL-0002479

SMALL BUSINESS

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RESOURCES

SUBCOMMITTEE ON
FORESTS AND FOREST HEALTH
SUBCOMMITTEE ON
NATIONAL PARKS AND PUBLIC LANDS

November 28, 2000

Administrator Carol Browner Environmental Protection Agency 401 M. Street, S.W. Washington, DC 20460

Dear Administrator Browner:

I am writing on behalf of communities in New Mexico who will be affected by the EPA's proposal to reduce the arsenic Maximum Content Level (MCL) standard from 50 parts per billion (ppb) to 5 ppb. On their behalf, I respectfully ask that the EPA consider the significant cost increases that this proposal will have on small communities.

It is my understanding that there is no sufficient epidemiological evidence available to accurately quantify the health risks that may be associated with the levels of arsenic found in the United States' drinking waters. I further understand that although New Mexico currently has some of the highest levels of arsenic in the nation, the average number of diseases associated with arsenic are less than other state's. For these reasons, numerous Mayors and Public Works Directors from New Mexico have contacted me to express their concerns over the increased costs they would have to sustain due to increases in training, treatment, operational costs, and infrastructure upgrades. Thus, the costs associated with having to comply with an unsupported MCL would place an immense strain on already tight budgets.

It is important to support an arsenic level that is protective of public health. I therefore encourage the EPA to strongly consider the position of the communities that will be affected by the proposal. Thank you for considering this request. Please feel free to contact Mr. Carlos Fierro of my office at (202) 225-6190 should you have any questions.

Very truly yours

Tom Udall

Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN - 8 2001

OFFICE OF WATER

The Honorable Tom Udall United States House of Representatives Washington, DC 20515

Dear Congressman Udall:

Thank you for your letter of November 28, 2000, to Administrator Carol Browner in which you expressed concerns related to a new regulation on arsenic in drinking water. In particular, you raised concerns about the scientific underpinnings of a new rule and the potentially high costs of compliance for communities in New Mexico. I would like offer the following responses to your concerns.

The controversy in the scientific community over the health effects of arsenic at low levels of exposure led the U.S. Environmental Protection Agency (EPA) to request the assistance of the National Academy of Sciences (NAS). In March 1999, the Academy published a peer-reviewed report, "Arsenic in Drinking Water." The NAS report noted that a Taiwanese study of the health effects of arsenic contains the best available data for arsenic-induced cancer and that studies in Taiwan, Chile, Argentina and elsewhere link arsenic to skin, bladder, and lung cancer and to chronic non-cancer effects. The NAS also concluded that EPA's current drinking water standard of 50 parts per billion is not adequately protective and should be lowered as soon as possible. We concur with the NAS's observation and believe that there is sufficient information available now to develop a lower standard. However, we are committed to periodically reviewing and revising the rule, as required by section 1412(b)(9) of the Safe Drinking Water Act (SDWA), to consider new information that becomes available.

You also mentioned a number of issues related to costs of compliance with a new arsenic standard. We certainly share your concern about potential costs of compliance and have taken several steps to address this issue. In the proposal, we listed affordable small system compliance technologies and requested comment on whether we have properly characterized affordability issues. The preamble to the proposed rule also identifies available sources of financial assistance, including the Drinking Water State Revolving Fund. The Agency plans to issue implementation guidance after the final rule is promulgated to assist states and public water systems in choosing technologies, obtaining financing, and achieving compliance. In addition, we proposed exercising the authority contained in the 1996 SDWA amendments to extend compliance for up to two additional years by proposing that compliance for small systems be five years after the final rule is issued. We believe that this combination of actions will help lessen the burden of the rule, especially on small systems.

I appreciate your perspectives on these issues and we will consider them as we prepare the final rule on arsenic. If you have any other questions or need additional information, please contact me or have your staff contact Ephraim King, Director of the Standards and Risk Management Division, at 202-260-9543.

J. Charles Fox Assistant Administrator

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AL-0002319

COMMITTEES: SMALL BUSINESS

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VETERANS' AFFAIRS

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

RESOURCES

SUBCOMMITTEE ON FORESTS AND FOREST HEALTH SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

October 27, 2000

Congress of the United States

House of Representatives

Washington, DC 20515-3103

Ms. Carol M. Browner, Administrator **Environmental Protection Agency** 401 M. Street SW, MC 1101 Washington, D. C. 20460-0001

Dear Ms. Browner:

Attached is a copy of a letter from of my Constituents, Mr t. He has asked that this letter and attachments be forwarded to your Department in Washington D. C. As a U.S. Congressman, I try to be as responsive as possible to the people I represent and I know you share that point of view with me. I would greatly appreciate your assistance in addressing his concerns. Please forward any information you may be able to share concerning this request to me at:

> Congressman Tom Udall C/O Pete Valencia 800 Municipal Drive Farmington, NM 87401

Thank you for your attention to this matter. Should you have any questions or concerns, please call Pete Valencia at (505) 324-1005.

> Very truly yours, Tom Odoce

Tom Udall

Member of Congress

TU/pv Enclosure(s):



October 15, 2000

Honorable Tom Udall Montoya Federal Building 120 South Federal Place – Room 100 Santa Fe, New Mexico 87501

Honorable Tom Udall,

I am in receipt of a letter from Jack V. Ferguson, Oct. 6, 2000. He sent me a response to comments by Isaac Chen. It is plain to see that once again they circumvented the evidence I have brought up to you about the pollution that was put into the food chain and into the school children's milk. Three early deaths happened as a result of the pollution in this arroyo, one child 7 years old, a mother of six young sons (the youngest approx. 4 months old when she died), and a young lady in her 30's, all were using water from the arroyo. I believe they call this nonsense murder! You folks did one hell of a good job helping in these crimes against humanity. This report to Mrs. Stacey Bennett of the EPA is nothing short of a fraud. I have no idea what you paid for this document, but it looks like embezzlement to me. Why did it not include anything about the sulfates or the fact that PNM let the industrial toxic and untreated human waste pass from their property on/through my private property. The fluids coming from PNM's property on to mine even now, and the ground that was polluted through their past illicit acts is still so polluted that it has killed 1400 head of sheep. We are still feeding the few survivors. I would like to see you take money out of your pockets to feed these helpless creatures, as well as for the health problems of my family, present and future. We were their guinea pigs. This is in the same category as what the Nazi's did to the Jews.

In regards to the testing you people did on our sheep in the not too distant past, the state waited 13 months after having full knowledge to do anything. Then the state requested some of these suffering, defenseless sheep shipped to Albuquerque, at our expense. The state paid for the tests in a state lab, which put simply, is a conflict of interest. It cost me more to ship them than for what the state paid for the lab tests, it sure does say what you people are made of. In the copies of the tests results you ran, which we were sent, there was absolutely no testing done for sulfate poisoning, even though we suspected and talked to you about sulfate poisoning, and water test results show excessively high sulfate levels. We believe you did it only so that you could say you did tests, and so that you could come up with another phony defense, but you did not do it to find the truth.

In regards to Mr. Jack V. Ferguson's comments, having a no discharge permit does not seem to stop the affects of the contamination that you folks have heaped upon not only our laps, but also on the laps of all those downstream, downriver, onto and through the reservation. All you who participated in these Atrocities, did so by deliberately Withholding Crucial and Vital Information from the Public, which might have saved not only the 3 aforementioned individuals but also the health and safety of the citizens (real people), plant life, and animals (domestic and wildlife) of the community. On conduiting this milk to the school children throughout the state of New Mexico, it would be very surprising to see what your death toll really is.

You are not doing your job and show no intention of doing your job. You people have no right to allow anyone, not even a huge business entity to run toxic waste from their property onto/through another's private property. PNM, by one deceptive means or another, have attained the aid of individuals and agencies (including private, governmental, legal, and judicial) to purposely try to discredit and destroy us and our reputation in they're effort to keep the truth from being told. If this information would get out, the tax-payers could/would very much like to send you and the EPA to Fidel Castro in Cuba in disgrace.

We can see that the state has already been bought and paid for. We know through experience, you will likely do nothing about this, except to come up with more excuses. You are still covering it all up. One day the public will find out the truth you have hidden from them, and will demand your accountability. If you have deceased by then, I can see your loved ones trying to explain it.

Sincerely,

RELEASE OF INFORMATION

·
I, (please print your full name)
do hereby authorize the release of any and all information supplied by me or obtained on
my behalf to CONGRESSMAN TOM UDALL or any representative of his office.
I understand that under the privacy laws, federal and state, I do not have to give
such a release but do so voluntarily since I have sought the assistance of
CONGRESSMAN TOM UDALL.
I also understand that if deemed necessary by CONGRESSMAN TOM UDALL or
any representative of his office, he or his staff have my full permission and
authorization to forward any information supplied by me or obtained on my behalf to the
government agencies they deem appropriate.
I further understand that I will save harmless any agencies divulging information
pursuant to this Release of Information as well as CONGRESSMAN TOM UDALL and/or
any representative of his staff in these matters.
(Signature of Full Name)
(Social Security #)
(Address)
(City and Zin Code)
(Telephone #)

Please return to: Congressman Tom Udall 800 Municipal Drive Farmington, NM 87401



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

" AL-0002319

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS, TX 75202-2733

DEC 1 1 2000

The Honorable Tom Udall U.S. House of Representatives Washington, DC 20515-3103

Dear Congressman Udall:

This is to follow up the interim response to your letter of October 27, 2000, in behalf of your constituent of Waterflow, New Mexico. Mr. had written to you concerning the discharge of sultate-contaminated wastewater from the Public Service Company of New Mexico (PNM) onto his property. Our investigation included independent discussions with the State of New Mexico Environment Department (NMED), a review of the necropsy report on Mr. sheep and a review of the site inspection prioritization report on Shumway Arroyo Superfund site.

The PNM San Juan site is located on Ranch Road approximately 3.2 miles from the community of Waterflow, San Juan County. The San Juan Generating Station (SJGS), operated by PNM, discharged wastes into the Shumway arroyo from early 1974 until May 1983. These discharges were monitored under a National Pollution Discharge Elimination System (NPDES) permit number NM0028606. Since May 1983, the SJGS, as required by the NPDES permit, has been operating without discharging wastewater to any stream or arroyo. EPA Region 6 has recently reissued a zero discharge to PNM on behalf of the SJGS. The "zero discharge" permit provides the maximum protection to the Shumway Arroyo and Mr. property.

The U.S. Environmental Protection Agency (EPA) Region 6 Superfund record indicates that a site inspection was conducted in 1988, and a determination of no remedial action required under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) was made in 1995. In the Site Inspection Prioritization report dated January 20, 1995, prepared by Fluor Daniel ARCS Team, the project manager concluded that:

"The site is an active electricity generating station regulated by the State of New Mexico, RCRA division. Due to the presence of liners and absence of drinking water wells within the shallow aquifer, a threat to the ground water pathway would be unlikely. Due to the absence of drinking water intakes within the 15-mile target distance limit, a threat to the surface water pathway would be unlikely. Due to the absence of surface contamination, threat to the soil exposure and air migration pathways would be unlikely."

The NMED forwarded a necropsy report on Mr. sheep, dated May 25, 2000, prepared by the New Mexico Department of Agriculture. The report summarized that:

"No indication of acute or chronic toxicity was found." And

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"In summary, the examined sheep had various unrelated mild to severe conditions. These included congenital heart defect and infectious disease. All are relatively common diseases seen in New Mexico sheep."

Based on the information available to EPA Region 6, there is no evidence that the SJGS has violated its NPDES "zero discharge" permit condition. If Mr. has information that PNM might be in violation of their permit conditions, we suggest that he contact Ms. Cecilia Kernodle in the EPA Water Enforcement Branch at (214) 665-6468.

I appreciate knowing of your interest in this matter, and I hope this information is helpful in your response to your constituent. If I may be further assistance, please let me know.

Sincerely yours,

ISI Gregs A. Cooke

Gregg A. Cooke Regional Administrator

cc: New Mexico Environment Department



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS, TX 75202-2733

OCT 06 2000

Mr.

Waterflow, NM 87421

Re: Public Service Company of New Mexico-San Juan Generating Station

Dear Mr

Your letter to Ms. Carol Browner, Administrator of U.S. Environmental Protection Agency (EPA) dated September 4, 2000, has been forwarded to me for response. In your letter, you mentioned the comment letter, dated February 2, 2000, regarding the reissuance of the National Pollutant Discharge Elimination System (NPDES) permit (NM0028606) to the above referenced facility, PNM-San Juan Station.

EPA Region 6 had carefully evaluated your comments in your letter of February 2, 2000, and made responses to all your concerns in our response to comments, dated March 10, 2000. The response to comments is an administrative record and a copy of this record as well as a copy of final permit decision should have been sent to you on April 7, 2000.

As addressed in our response, the reissued permit does not authorize any discharge of wastewater from the facility. This is a "no discharge" permit. If you have information that this facility might be in violation of their permit, you may contact EPA's Water Enforcement Branch at (214) 665-6468. EPA Superfund Program Management Branch has concluded that further remedial assessment on the Shumway Arroyo Superfund site is not required under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Ms. Beverly Negri, the Community Relations Team Leader of Superfund Program of EPA Region 6, can be reached at (214) 665-8157. Concerning the water quality of Shumway Arroyo, you may contact Mr. Larry Smokla of the Surface Water Bureau, New Mexico Environmental Department (NMED).

Enclosed, for your information, please find copies of the following:

- 1. A copy of response to comments, dated March 10, 2000.
- 2. A copy of letter from Mr. Mike Farley to EPA, dated March 16, 2000.
- 3. A copy of Effluent Guidelines for Steam Electric Power Generating Point Source Category.
- 4. A copy of status report of Shumway Arroyo site.

Should you have any questions regarding the NPDES permit for this PNM-San Juan Station, please contact Mr. Isaac Chen of my staff at (214) 665-7364.

Sincerely yours,

Jack V. Ferguson, P.E.

Chief

Permits Branch

Enclosures

cc: New Mexico Environmental Department

Carol Browner, Administrator, EPA Headquarters



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

INTERIN

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS, TX 75202-2733

NOV 15 2000

Honorable Tom Udall
U. S. House of Representatives
Montoya Federal Building
120 South Federal Place, Room 100
Santa Fe, NM 87501

Dear Congressman Udall:

Thank you for your letter of October 27, 2000, in behalf of your constituent

Mr. . of Waterflow, New Mexico. Your letter has been referred to the Region 6

Office of the U. S. Environmental Protection Agency. For your referrence, we have assigned your correspondence a tracking number of AL-0002319.

We are currently reviewing your constituent's letter to determine the appropriate response and expect to reply within 30 days. For more information on the status of our review, your staff may contact Mr. Isaac Chen at (214) 665-7364 or Jack Ferguson at (214) 665-7170.

We appreciate your support of environmental issues. I hope you will continue to make your constituent's concerns known to us, so we can better serve your needs.

Sincerely Yours,

David W. Gray

Director

Office of External Affairs

cc: Mr

AL-0200981



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 25 2002

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

The Honorable Mark Udall U.S. House of Representatives Washington, D.C. 20515

Dear Congressman Udall:

Thank you for your letter of May 22, 2002, regarding Sea Sweep, Inc., a technology for use in cleaning up oil spills. You asked that the U.S. Environmental Protection Agency (EPA) and U.S. Coast Guard take a close look at this technology and consider approving it for use in oil spills. EPA manages the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Subpart J Product Schedule (40 CFR 300.900). The Product Schedule lists biological and chemical agents that may be authorized to mitigate an oil spill after a manufacturer submits required data to EPA. The listing of a product on the Schedule does not constitute approval, certification, licensing or promotion of the product.

In January 1995, EPA sent Mr. William Mobeck a letter stating that EPA considers Sea Sweep an oil sorbent product. A copy of that letter is enclosed. The NCP Product Schedule (40 CFR Part 300.915) specifically exempts sorbents from the listing requirements. The use of any sorbent, while not requiring specific federal authorization, is still subject to any applicable federal, state, or local regulations, to ensure that sorbents are used appropriately. This includes recovery of the oiled materials from the environment. The National Response Team cannot specify or direct a Regional Response Team (RRT) or On-Scene Coordinator to use a specific product during a spill response. However, RRTs may evaluate listed and unlisted products as they deem appropriate for use during a response action.

Mr. Mobeck may contact any RRT in the U.S. to demonstrate his product. Those contacts can be obtained through the NRT website at ww.nrt.org and then clicking on the "RRTs" icon at the bottom of the page.

If you have any questions regarding this matter, please contact me at 703-603-8960.

Sincerely yours,

Michael B. Cook, Director

Office of Emergency and Remedial Response

Enclosures

Background information if you have been contacted by a manufacturer of an oil spill clean up product.

- Members of Congress, State, and local officials may be contacted by manufacturers and vendors who develop and market oil spill clean up products.
- · These products range from simple absorbents that some up the oil for collection and removal to complex chemical and biological agents intended to disperse or bioremediate the oil.
- · There is an established process that manufacturers must follow to have an oil spill product listed and evaluated by EPA and Regional Response Teams (RRTs). An RRT consists of the federal On-Scene Coordinator (FOSC), state and local representatives to the RRT, and appropriate federal trustees. The RRT plans for and may respond to oil spills when the OSC wants to use an alternative countermeasure described below. Fifteen different federal agencies may also provide assistance.
- · A product must be listed on the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Subpart J Product Schedule (40 CFR 300,900) before it can be used for oil spill eleanup. RRTs convene to determine the appropriateness of using an oil spill cleanup technology at a particular oil spill site.

Questions Answers

on the

National Oil and

Hazardous Substances

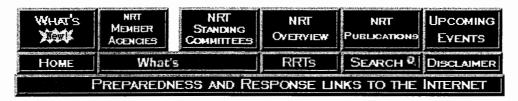
Pollution Contingency Plan,

Subpart J.

Product Schedule

40 CFR 300.900

NRT c/o U.S. EPA Mail Code 5104A 1200 Pennsylvania Avenue, NW Washington, D.C. 20460 FAX: (202) 564-7989



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 1 3 1995

OFFICE OF SOLID WASTE AND EMERGENCS RESPONSE

Mr. William L. Mobeck Sea Sweep, Inc. 2121 S. Oneida, Suite 635 Denver, Colorado 80224

Dear Mr. Mobeck:

Tarthete of

Thank you for your December 14, 1994, letter to Ms. Carol Browner, Administrator of the Environmental Protection Agency (EPA). In your letter, you described your product "Sea Sweep," an organic oil spill sorbent, and requested EPA's approval in order to sell it to various government agencies. You also forwarded a copy of a December 5, 1994 letter sent to Ms. Gail Thomas requesting the placement of your product on the National Contingency Plan (NCP) Product Schedule (40 CFR Part 300 Subpart J). Unfortunately, Ms. Thomas did not receive this letter.

Section 311(c)(2)(G) of the Clean Water Act and Section 4201(a) of the Oil Pollution Act of 1990 require the preparation of a schedule of dispersants, other chemicals, spill mitigating devices and substances that may be used in implementing the National Contingency Plan (40 CFR Part 300). The EPA is charged with preparing and maintaining this schedule, which is known as the NCP Product Schedule. To list a product on this Schedule, a manufacturer must submit to EPA the required product data as provided in Subpart J (40 CFR Part 300.900) of the NCP. Please note that the listing does not constitute approval, certification, licensing or promotion of the product.

The Agency does not interpret the meaning of either "other chemicals" or "other spill mitigating devices and substances" to include sorbents. We believe that the use of sorbents, by themselves, does not create deleterious effects to the environment, and are frequently and effectively used on many oil spills. Therefore, we believe that it is inappropriate to include sorbents on the NCP Product Schedule. Our position regarding this matter is fully described in the proposed NCP published in the Federal Register on October 22, 1993. Section 300.915(g)(2) in the final NCP, published September 15, 1994 restates this policy. For your reference, I am enclosing a copy of the appropriate sections of both publications.



Because we do not list sorbents on the NCP Product Schedule, responders may use such products to respond to oil spills in the navigable waters of the United States without prior approval of the On-Scene Coordinator, as the NCP would require for the authorizations of use of "dispersants and other chemicals."

I hope that this information is helpful to you and appreciate your interest in the oil spill response program.

Sincerely,

John E. Riley

Acting Director

Emergency Response Division

Joseph P. Tylonas for

Enclosures

MARK UDALL 2ND DISTRICT, COLORADO

115 CANNON HOB WASHINGTON, D.C. 20515 (202) 225-2161 (202) 226-7840 (FAX)

1333 WEST 120TH AVENUE SUITE 210 WESTMINSTER, CO 80234 (303) 457-4500 (303) 457-4504 (FAX)



AL-0200981

COMMITTEE ON RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS,

RECREATION, AND PUBLIC LANDS
SUBCOMMITTEE ON FORESTS

COMMITTEE ON SCIENCE

SUBCOMMITTEE ON SPACE
AND AERONAUTICS

SUBCOMMITTEE ON ENVIRONMENT, TECHNOLOGY AND STANDARDS

COMMITTEE ON SMALL BUSINESS

Congress of the United States House of Representatives Washington, DC 20515-0602

May 22, 2002

Capt. David Westerholm
Division of Marine Safety
Marine Safety and Environmental Protection
USCG Headquarters Rm 2408
U.S. Coast Guard
2100 2nd Street, S.W.
Washington, D.C. 20593-0001

Mr. Larry Reed
Acting Director
Office of Emergency and
Remedial Response
Environmental Protection Agency
5201G, Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Capt. Westerholm and Acting Director Reed,

I am writing on behalf of a company called Sea Sweep, Inc. which has developed a technology for use in cleaning up oil spills. I hope the Environmental Protection Agency (EPA) and U.S. Coast Guard, as cochairs of the Regional Response Teams (RRTs), will take a close look at this technology and consider approving it for use in oil spills.

Sea Sweep uses heated wood chips to absorb the oil. The chips can then be collected and used as an alternative fuel source or composted. And, as I understand the chips do not leach out the oil, they can remove the oil and keep it contained even if all the chips are not collected.

This technology seems like a win-win solution: it is not harmful as it does not involve the application of potentially damaging chemical dispersants, it is biodegradable, and it appears to be very effective at soaking up the oil and removing it from the environment.

I have enclosed a letter written last year to SeaSweep's president, William Mobeck, by Dr. Jean Snider, who then served in NOAA's Office of Response and Restoration. In her letter, Dr. Snider expressed some concern about the use of SeaSweep as a loose material. But she also indicated she believes SeaSweep could be an effective absorbent; she further suggested that demonstrations to the RRTs might be a useful next step to increase acceptance and use of the product.

Enclosed is some material about this technology. I would appreciate if you – as co-chairs of the RRTs – might be able to find time for Mr. Mobeck to provide you a demonstration of his company's product. Please feel free to contact William Mobeck (303-337-9890) or Jennifer Barrett in my office (225-2161) directly to arrange such a demonstration; Jennifer will also call your office to follow up on this request.

Thank your for your consideration.

Sincerely,

Mark Udall

AL-0000627

TOM UDALL
30 DISTRICT, NEW MEXICO

FLOOR WHIP

502 CANNON HOUSE OFFICE BUILDING WASHINGTON, DC 20515 (202) 225–6190

COMMITTEES:

SMALL BUSINESS

SUBCOMMITTEE ON EMPOWERMENT
SUBCOMMITTEE ON RURAL ENTERPRISES,
BUSINESS OPPORTUNITIES AND SPECIAL

SMALL BUSINESS PROBLEMS

VETERANS' AFFAIRS

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

RESOURCES

SUBCOMMITTEE ON FORESTS AND FOREST HEALTH

SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

Congress of the United States House of Representatives

Washington, DC 20515-3103

March 7, 2000

DISTRICT OFFICES:

JOSEPH M. MONTOYA FEDERAL BUILDING 120 SOUTH FEDERAL PLACE ROOM 100 SANTA FE, NM 87501 (505) 984–8950

> 321 NORTH CONNELLY STREET CLOVIS, NM 88101

> > P.O. Box 868 88102-0868 (505) 763-7616

800 MUNICIPAL DRIVE FARMINGTON, NM 87401 (505) 324–1005

201 WEST HILL AVENUE ROOM 8 GALLUP, NM 87301 (505) 324–1005

3900 SOUTHERN BOULEVARD, SE ROOM 105-A RIO RANCHO, NM 87124 (505) 994-0499

Mr. John Reeder, Deputy Associate Admin. Of Congressional & Intergov. Relations Environmental Protection Agency, 8th Fl. W. Tower 401 M. Street, S. W. Washington, D. C. 20460

Dear Mr. Reeder:

One of my Constituents, Mr. has contacted my office for assistance on a problem with which The Environmental Protection Agency might be able to help.

Mr. is anxious to resolve this matter as soon as possible. Because of this, your prompt action would be greatly appreciated. Please forward any information you may be able to share concerning this request to me at:

Congressman Tom Udall's Office C/O Pete Valencia 800 Municipal Drive Farmington, NM 8401

Thank you for you attention to this matter. If you have any questions or concerns, please call 505-324-1005.

Very truly yours,

Tom Udall

Member of Congress

Enclosure(s):

November 16, 1999

Honorable Tom Udall Montoya Federal Building 120 South Federal Place - Room 100 Santa Fe, New Mexico 87501 Certified Mail - Z 359 021 100 Return Receipt Requested

Honorable Tom Udall:

I am mentally handicaped and feel people don't understand me. In 1982 when my kids were between the tender ages of 2 to 5 years old, the Public Service Company of New Mexico poisoned me and my family with Toxic Industrial Waste. They allowed the poisons to do all the damage to our brains and minds and bodies without our knowledge, as though we were their guinea pigs and did absolutely nothing to help us. However the Public Service Company of NM had full knowledge of what they were doing to me and my family and even had the assistance of the NM Environmental Dept. and the EPA to accomplish their goal.

We tried to take them to court, filed suit in 1985. Our attorney took and bled us of our hard earned money. When we had no more to give, he quit and joined up with the judge and PNM lawyers and enforce the settlement. Our attorney quit on January 11, 1990. When the Enforced Settlement hearing took place, he went with an attorney to represent him and gave false testimony against us. He showed up with an attorney to represent him and all I had to represent me was my dumb looks. I told the judge that I only had an eighth grade education and that I did not understand, he said we would stay until I did, but that never happened because I still don't understand.

On the settlement release we signed it above each of our signatures that "I am signing against my will under duress and intimidation." and we had to cross out that part where it said We have read with our attorney part and wrote above it that "We were denied legal council and the opportunity to obtain legal council. We do not fully understand this document."

The judge let the document stand as though it was actually a legal document.

PNM couldn't be happy to stop there, the judge had the attorney put the money in CD's in different banks. They used my social security number on the accounts without my permission. Because we refused to accept the money, PNM tried to get the IRS in on the picture, so they would/could try to come and get our home/property seized which the IRS had intended to do in January. However we hired this attorney guy to whom we had to pay an overboard fee of \$70,000.00 to, most of which is some kind of bonus for which we do not understand his reasoning for, so the IRS could not beat me and my family up, take our home and throw us out into the streets.

Even 17 years after PNM had supposedly stopped dumping Toxic Industrial Waste

which flows or otherwise works its way into the San Juan River, it still works it's harm. The sulfates are 8 times above what the EPA allows. It has succeeded in killing 1200 out of a herd of 1400 sheep. We have sheep carcasses that have been laying dead for 6 to 10 months. These carcasses are so pickled as a direct result of their consuming the sulfates that they will not even decay and the maggots will not even eat them.

As early as or late as, whichever the case may be, April 21, 1999, the NM Environmental Department had full knowledge of the high Sulfate levels flowing from PNM going through my property, flowing into the San Juan River and have done absolutely nothing about it, at least until the recent media involvement. You call this a government agency? If they had been doing their job, this never would have happened. You see there is Environment Dept. data from 1989 that shows that this Shumway Arroya Site was recommended for cleanup and nothing was ever done about it. We didn't even find out about it being a Superfund Site until 1994, so what was the coverup and why?

The brown cloud in this area because of the plants is a national disgrace. Around these plants the galvanized is ate off the transmission towers. The only thing else that could do that is a cutting torch. The paint is ate off the signs and the fences are ate up. The men working at these plants have to keep their mouth shut or get fired. They work to pay their obligations and live in this environment. They call this freedom, come on down Tom and we will show you.

The people in Shiprock need to have a monument stood for the uranium workers with their names on it and another monument stood with the names of the men who could have done something about it and did nothing.

I am thankful to Greg Masse for telling our story in The Daily Times on Sunday, October 10, 1999. I am also thankful to Mike Taugher of The Albuquerque Journal for getting our story out in The Sunday Journal, October 24, 1999. These men took the time and did a lot of research and told the story about what has happened in a way I never could have.

How much damage has it done to the people down stream like Shiprock, Arizona, Utah, or California. You see this stuff could be fed to your kids in school. Now you know what has happened, you should put this before Congress and gain evidence and convene a Grand Jury an prosecute the men who are responsible for these atrocities, to show them that they are not above the law and to make them clean this mess up. It is their responsibility, they did it all for profit.

Respectfully

RELEASE OF INFORMATION

RELEASE OF INFORMATION
I, (please print your full name)_
do hereby authorize the release of any and all information supplied by me or obtained on
my behalf to CONGRESSMAN TOM UDALL or any representative of his office.
I understand that under the privacy laws, federal and state, I do not have to give
such a release but do so voluntarily since I have sought the assistance of
CONGRESSMAN TOM UDALL.
I also understand that if deemed necessary by CONGRESSMAN TOM UDALL or

any representative of his office, he or his staff have my full permission and authorization to forward any information supplied by me or obtained on my behalf to the government agencies they deem appropriate.

I further understand that I will save harmless any agencies divulging information pursuant to this Release of Information as well as CONGRESSMAN TOM UDALL and/or any representative of his staff in these matters.

(Signature of Full Name)

(Social Security #)

(Address)

(City and Zip Code)

(Telephone #)

Please return to: Congressman Tom Udall 800 Municipal Drive Farmington, NM 87401

Oklahoma Animal Disease Diagnostic Laboratory

Accession:

99030402

Report date:

3-9-99/WCE

Owner:

Oklahoma State University

P.O. Box 7001

Stillwater, OK 74076-7001

(405) 744-6623 FAX: 744-8612

ANIMAL HAVEN CLINIC

(Acct: 2058)

SUBMISSION

Taken:

not given

ATTN: QUINTANA, JOE

822 EAST MAIN

SUMMARY

Received: 3-5-99

FALLER

FARMINGTON, NM. 87401

Species Environ. Animals 1

Tests Š

Completed

(505) 325-3171 (Please fax results)

** FINAL REPORT *

TOXICOLOGY =

ANIMAL ID: (not provided), Environ.,

Sample: Water

WATER(PH,T.SALTS,COND.,NO3,NO2 3-9-99/9:35a

Sample ID:

Water

pH:

7.35

Total salts:

4400.00 ppm

Conductivity:

9000.00 umhos/cm

- Nitrate: -

Nitrite:

0.00

ppm

Comments:

Water contained 4000 ppm sulfates which is very high and can predispose to policencephalomalacia, copper deficiency and selenium deficiency.

SELENIUM 3-9-99/9:35a

Reference

Scale

Sample ID:

Water

Level:

0.00

ppm

Comments:

There was no detectable selenium or copper salts in the water.

STATE OF NEW MEXICO



SCIENTIFIC LABORATORY DIVISION

P.O Box 4708

Albuquerque, NM 87196-4700

700 Camino de Salud, NE (605) 841-2500

WATER CHEMISTRY SECTION (505)-841-2555



DEPARTMENT OF HEALTH

SAMPLE COLLECTION DATE: 3/30/99

TIME: 1447

BAMPLING LOCATION: Shumway Arroyo above Farmer's

SAMPLE MATRIX: Wat

BY: Tom

SLD No.: WG 99006

RECEIVED AT BLD 4/2/99 55910 USER 81 SUBMITTER:

WSS #

DISTRIBUTION TO:

ED - Surface Water Progress (S) Water Chamistry Section - File Copy

This Copy of Report for::

ED - Surface Water Program ED Surface Water Bureau P.O. Box 26110

Benta Fe, NM 87502

ANALYTICAL RESULTS

160.001.10.10.10.10.10.10.10.10.10.10.10.1										
Analyte	Result	Units	Analysis Date	Method	Minimum Level	Dilution Factor	Sample Def. Limit	Analyst	Data Qualifier	
Sulfate	13160	mGA.	4/18/99	300.	10.	٩.	10,	Cliff Kear		

Laboratory Comments:

Reviewed by Chris Dean Supervisor, Water Chemistry Section

Date Printed: 21-Apr-99

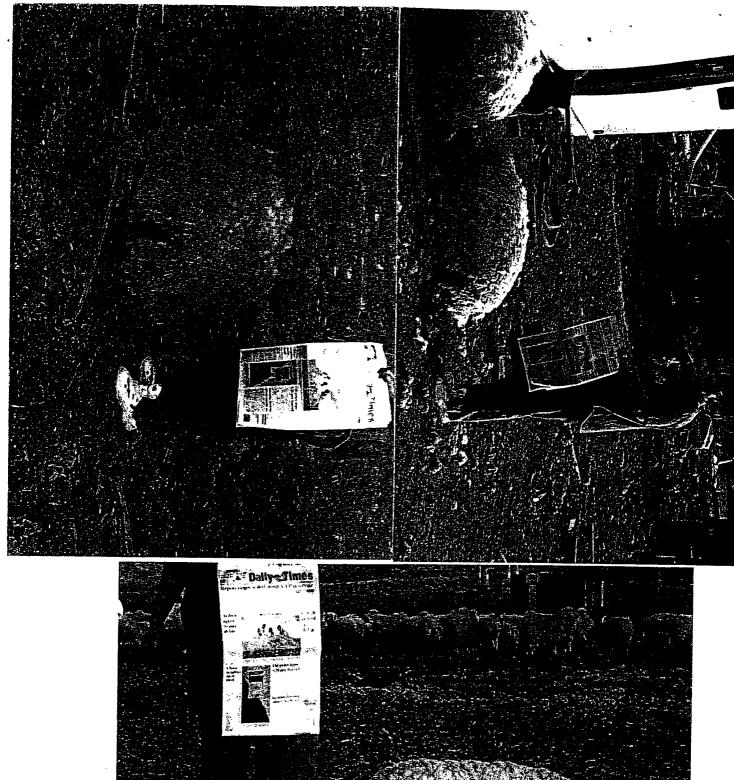
Data Qualifier Codes and Definitions

- U The material was amalyzed for, but was not detacted above the level of the associated value. The associated value is the sample detaction limit.
- J The associated value is an estimated quantity
- R The date are unusable. (Note: Analyte may or may not be present.
- U.J. The material was analyzed for, but was not detected. The associated value is an estimate and may be inaccurate or imprecise.

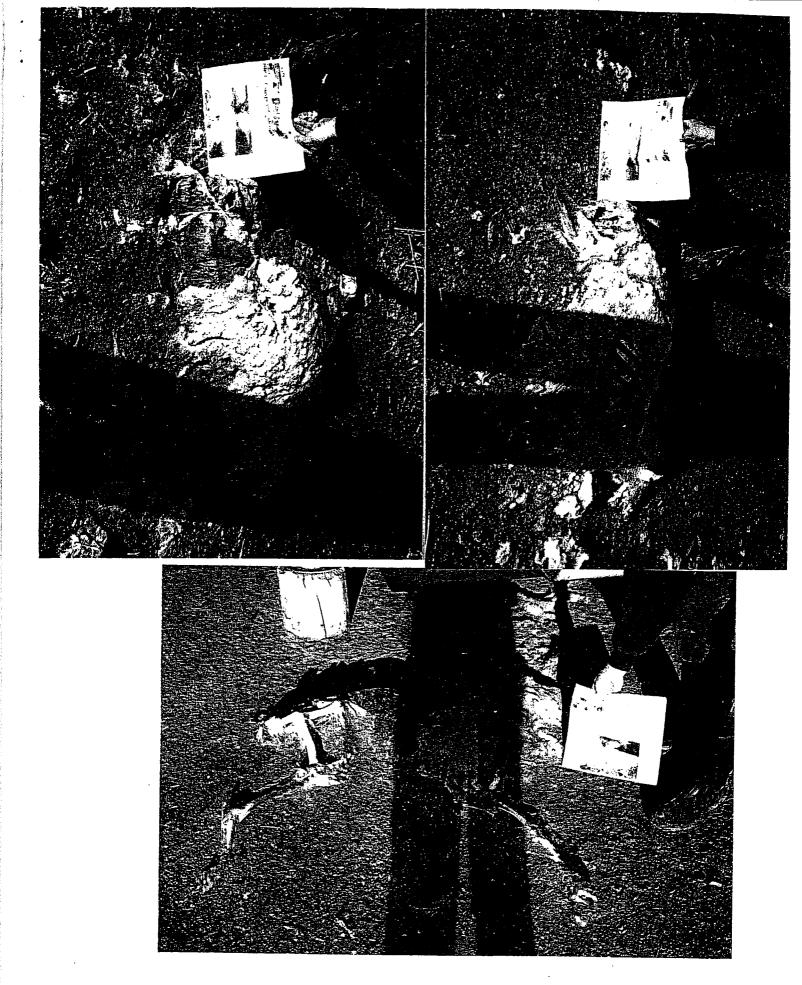
ELECTRICAL STATE

APR 2 8 1999

CONTRACT ALLERON







AL.0000627

IN 1

WIEXIM

MAR 21 2000

The Honorable Tom Udall House of Representatives Washington, DC 20515

Dear Congressman Udall:

Thank you for your letter of March 7, 2000, in behalf of your constituent, Mr. R. of Waterflow, NM 87421. Your letter has been referred to the Region 6 office of the U.S. Environmental Protection Agency. For your reference, we have assigned your correspondence a tracking number of AL-0000627.

We are currently reviewing your constituent's letter to determine the appropriate response and expect to reply within 30 days. For more information on the status of our review, your staff may contact Mr. Ed Greenberger at (800) 887-6063.

We appreciate your support of environmental issues. I hope you will continue to make your constituent's concerns known to us, so we can better serve your needs.

Sincerely yours,

Director

Office of External Affairs

6XA:EGREENBERGER:7331; 3/21/00:INTERIM/AL-0000627

United States Senate

WASHINGTON, DC 20510 June 2, 2009

AL 09-000-8638

Mr. Charles L. Engebretsen
Associate Administrator
Congressional & Intergovernmental Relations
Environmental Protection Agency
1200 Pensylvania Avenue NW 3426 ARN
Washington, DC 20460

Dear Mr. Engebretsen:

Lucille Hooper has contacted Senator Tom Udall's office in resolving a matter with which you might be able to provide assistance. Enclosed are copies of the information we have been provided on the particular situation for your review.

Your prompt consideration would be greatly appreciated as Lucille is eager to resolve this matter as soon as possible. A copy of your response will be sent to the Senator's constituent. Please send your response to:

Senator Tom Udall Attn: Joshua Sisneros 201 3rd St NW, Suite 710 Albuquerque, NM 87102

Sincerely,

Joshua Sisneros

Constituent Services Representative

Enclosure(s): 6 cc: Lucille Hooper

No rights for small business to deny EPA complaint

I am a women owned, native american owned, small business located on the Laguna reservastion in New Mexico. I currently employ 12 employees, all minorities with one exception. My company PDI Pest Control Company provides pest control service to the Navajo Nation. The Navajo Nation has the US Environmental Protection Agency out of the San Francisco area to provide inspection services on the Navajo Reservation. A complaint was made against my company in October, 2008. An inspection was made at the Ganado Child Care Center and the inspector alleged that my employee made a pesticide application while there were children in the room, which is in non-compliance with the label. In the EPA Notice of Pesticide Use/Misuse Inspection REport, signed by my employee, there were "no violations suspected". In the Use Unvestigation report there were "no remarks made concerning misuse of pesticides". I was not notified by the EPA that there was any problem or anything wrong with the inspection. In January, 2009, the San Francisco Office of EPA wrote me a letter telling me of the suspected violation. Apparently, the Inspector filled out the violation information after my technician signed the paperwork and sent to his home office but never informed my company of the suspected violation. I called the San Francisco EPA office and informed them of my concern for the manner in which the inspection was performed and never notifying me on any suspected violation. I requested the hearing, as specified in FIFRA regulations and was told that the only hearing was to be held before the Federal Judge. In other words, I cannot sit down with the EPA to discuss my concerns. If i have any concerns, I have to hire a lawyer and file the appropriate motions to have a hearing before a Federal Judge. I was told by the EPA officer that it would be easier to pay the fine and get on with my business! I am trying to keep my small business going and my 12 emplyees on the payroll so they can continue to make a living for their families in these hard economic times. I cannot believe that the federal government cannot work with small businesses to ease the burden of regulations and keep our businesses in operation. I dispute the allegations made by the inspector but the only way I can be heard is to spend money i don't have to hire legal help and time away from my business to be heard by a federal judge. It galls me to have to accept the \$650.00 fine when I know my employee did not break the law but i cannot afford to spend the money and time to defend myself. Do you have any suggestions that may help me in this case?

Mrs. Lucille Hooper

Sisneros, Josh (Tom Udall)

From:

LUCILLE HOOPER

Sent:

Tuesday, June 02, 2009 10:11 AM

To:

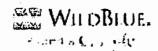
Sisneros, Josh (Tom Udall)

Subject:

Summary - US EPA

Mr. Sisneros,

Because of the amount of money, the time away from the job and even to find a lawyer that would represent me, to fight this complaint against me by the US EPA, I settled with the US EPA. You asked me for a summary of an outcome I would like to see. I would like to see some sort of intermediate steps that could be taken by small businesses that believe they have a legitimate cause to question the supposed charges made against them by a large federal agency, like the US EPA, without going through the federal court system, the expense of finding and obtaining a lawyer to represent them and spending the time away from their businesses. I would have had to find a lawyer to represent my business and to file the necessary paperwork to even get to look at the evidence the EPA claimed they had. If I could have met with the San Francisco EPA Office and an independent person who could hear both sides of the case, see if the evidence bears out the complaint made, where both sides could see what evidence both sides have and hear both sides, it would be a little more fair. Small business is leary of Big Government because they have the money, the lawyers and all the staff they need to take a person to court and small businesses do not have a say in what is happening, unless they have the money and time to get their case heard. There are no provisions in the current federal regulations to provide intermediate steps for hearings for small businesses, and just like the EPA employee told me " pay the fine and get on with yoru business", small businesses feel that there is no alternative but to accept the fines handed out and accept the charges made by the Federal Government Agency. I hope I have complied with your request. Please let me know what else you may need. Thank you for your time. Lucille E. Hooper, PDI PEST CONTROL COMPANY



LUCILLE HOOPER <

FIFRA REGULATIONS

4 messages

LUCILLE HOOPER 4

Wed, Apr 22, 2009 at 4:40 PM

To: "Julie Jordan (epa)" < Jordan.Julie@epamail.epa.gov>

I just have one more question for you. Under FIFRA Regulations, SEC.14.(7 U.S..C.1361) PENALTIES, (3) HEARING - No civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing on such charge in the county, parish, or incorporated city of residence of the person charged. You told me that the only hearing that I could have is before a Federal Judge in a Federal Court. Can you please show me where in the FIFRA Regulations or any other regulations that this is stated. Lucille Hooper

Jordan.Julie@epamail.epa.gov <Jordan.Julie@epamail.epa.gov>
To: LUCILLE HOOPER

Thu, Apr 23, 2009 at 8:41 AM

It's a federal case with an Administrative Law Judge presiding. As for location, look at 22.19 in the following document. It describes how the location of the hearing is determined: செல்ல முத்தும் முன்ன முன்ற நின்

Julie Jordan/R9/USEPA/US@EPA
04/22/2009 03:40 PM
FIFRA REGULATIONS

LUCILLE HOOPER

To: Jordan.Julie@epamail.epa.gov

Thu, Apr 23, 2009 at 9:42 AM

Thank you, I'll review and get back with you

LUCILLE HOOPEL ...

Draft To: Jordan.Julie@epamail.epa.gov

Tue, May 12, 2009 at 9:20 AM

I reviewed the fed regs you sent me. I found out that there are not very many lawyers that want to take on the federal government and then how much it was going to cost to hire a lawyer to take my case because of the amount of time necessary on a case such as this. I do not have the money to hire a lawyer and I do not have the time it will take me to gather the relevant information, meetings, etc. I have tweive employees that depend on me for a living, to feed their families and to pay their bills. I have to work hard to sell my services to customers so I can continue to keep my company affloat during these hard times and cannot justify taking the time out from selling to try and fight this case. I believe that the pictures do not clearly identify my employee and because you do not have a full frontal view showing his face to make a positive identification, the picture could be of any person with the same build as my employee, but in order to prove it, I would have to decide to have a hearing with all the costs associated with that. I also could question your inspectors tactics in building this case because of all the descrepencies in his work, however, I cannot afford to put my Company at risk because of the amount of work we do on the Navajo Reservation. So It seems you

http://mail.google.com/a/wildblue.net/?tf=1&ui=2&ik=af00ca3ff8&view=pt&search=all&th=120c... 5/12/2009

were right when you advised me that it would be easier to pay the fine of \$650.00 and go on my way. I have been in business for the past 23 years and in the pest control business for the past 20 years. I have licenses in both New Mexico and Arizona and have never been in violation with either federal regulations nor either state regulations, I have complied with all regulations and have never received one complaint from either New Mexico or Arizona. I do not believe my employee violated FIFRA regulations but because of the high cost to my Company of proving otherwise, it seems that I do not have any alternative but to agree to settle with you on this case. Send me the settlement papers and instructions on what I need to define the settlement of the settlement papers.

October 8, 2008, downloaded copies of pictures taken of a person who looks to be making an application while a child is present in a crib, as well as an employee sitting next to that crib. I also collected a copy of a service ticket obtained by Mr. Hill that claims Mr. Kanteena had written the wrong EPA registration number on it. I also downloaded copies of Mr. Hill's investigation report.

On November 20, 2008, I met with Lucille Hooper of PDI Pest Control at the ADO in Albuquerque at 10:40 a.m.(MF-112008-A). I conducted an inspection with Ms. Hooper where I collected records and Mrs. Hooper's statement concerning the alleged incident at the Ganado Child Care Center in Ganado, Arizona. I also collected a copy of a faxed copy of Mr. Hill's EPA inspection report, notice of pesticide use/misuse and receipt for pesticide use/misuse samples(MF-111308-B).

On December 15, 2008, I received a statement written by Darryl Kanteena. Mr. Kanteena said that he had not applied to any occupied area in the Ganado Child Care Center. He also addressed a room he did not apply to because a staff member was present.

The alleged incident occurred on October 8, 2008, at Ganado Child Care Center located on the Navajo Reservation in Ganado, Arizona. PDI applicator Darryl Kanteena, license number 1725/7D made the alleged application. PDI Pest Control is located in Casa Blanca, N.M. and is licensed in both New Mexico and Arizona.



REGION IX 75 Hawthorne Street San Francisco, CA 94105-3901

JUN 2 2 2009

Senator Tom Udall Attn: Joshua Sisneros 201 3rd St. NW, Suite 710 Alburquerque, NM 87102

Dear Senator Udall:

Thank you for your letter of June 2, 2009, on behalf of your constituent, Lucille Hooper, regarding the civil enforcement action that EPA Region IX filed against Ms. Hooper's company, PDI Pest Control Co. ("PDI"), for a violation of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA").

The rules governing EPA administrative actions limit the information that we can provide to or receive from outside parties regarding an ongoing enforcement matter. However, we have provided you with a summary of the case below and have responded to the concerns raised by Ms. Hooper.

Pursuant to an October 8, 2008 inspection conducted under federal authority at the Ganado Child Care Center, located within the Navajo Nation, the Navajo Nation Environmental Protection Agency ("NNEPA") observed and documented the improper application of a "general use" pesticide by an authorized employee of PDI. Specifically, NNEPA determined that, in contrast to directions on the label, PDI applied the pesticide in an occupied classroom and to furniture and/or upholstery where prolonged contact by humans would occur. Subsequently, NNEPA referred the case to EPA Region IX to pursue. Based on NNEPA's inspection and follow-up investigation, EPA Region IX identified use in a manner inconsistent with the product's label. Consequently, on January 30, 2009, EPA Region IX sent to PDI a letter pursuant to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA") notifying PDI of EPA's intent to take enforcement action and seeking information that EPA should consider prior to doing so. As a result of the SBREFA letter, Ms. Hooper entered into discussions with a member of my staff assigned to this matter.

Ms. Hooper points out that the notice of inspection form provided to her employee states "violations suspected - none." FIFRA enforcement procedures require inspectors to indicate if an inspection is "for cause" and the specific violations suspected, or "routine" with no violations

suspected. The inspection form is completed at the beginning of the inspection and does not have bearing on any violations documented during the course of the investigation.

Ms. Hooper's chief concern appears to be that she has not been provided with a hearing in front of a neutral arbiter "without going through the federal court system." We explained to Ms. Hooper, as we do in all FIFRA enforcement cases, that the hearing process for civil enforcement actions such as this one is set forth at 40 C.F.R. Part 22 and is non-negotiable. The requirements established in Part 22 are federal regulations that EPA can not ignore or revise – they have the force of law. The hearing process prescribed by Part 22 seems to be precisely what Ms. Hooper seeks – an opportunity for her to discuss her position in a local venue in front of a neutral arbiter. This hearing does not require a respondent to hire an attorney (indeed, many FIFRA civil enforcement actions have involved respondents who have represented themselves) and is designed to provide a respondent with a non-intimidating environment to present its case.

Of particular concern to EPA Region IX is Ms. Hooper's implied position that she was coerced into settling the civil enforcement action. For this reason, my staff contacted Ms. Hooper on June 10, 2009 to listen to her concerns. We explained that EPA Region IX had not yet filed the settlement documents and that the administrative hearing process was still available to her. Ms. Hooper reiterated her interest in settling the matter, based on the time and energy that would be necessary to pursue an administrative hearing.

Prior to closing, we would like to take this opportunity to elaborate on the significance of the protections afforded by FIFRA. Before selling or distributing any pesticide in the United States, FIFRA requires companies to register all pesticides with the EPA and, as part of these registrations, to include accompanying labeling directions for use and other information necessary to protect human health and the environment. FIFRA requires that pesticide applicators comply with these labeling directions during commercial and "for hire" pesticide applications to protect their workers and the public from the risks associated with potential pesticide exposure. Enforcement against violators such as PDI that use a pesticide in a manner inconsistent with its labeling is a high priority for the EPA, particularly when children are involved.

We hope that this information will be helpful in responding to your constituent's concerns. Please feel free to advise Ms. Hooper that she may want to consider contacting EPA Region IX's Small Business Environmental Compliance Liaison, Angela Baranco-Mason at (415) 947-4262 to discuss her concerns in more detail. If we can be of any further assistance, please contact our Congressional Liaison, Brent Maier at (415) 947-4256.

Sincerely.

Kothere a Yesh far Enrique Manzanilla, Director

Communities and Ecosystems Division

TOM UDALL 30 DISTRICT, NEW MEXICO

CO-VICE CHAIR CONGRESSIONAL NATIVE AMERICAN CAUCUS

1414 LONGWOFTH HOUSE OFFICE BUILDING WASHINGTON, DC 20515 (202) 225-6190

> 811 SAINT MICHAELS DRIVE SUITE 104 SANTA FE, NM 87505 (505) 984-8950

www.tomudall.house.gov



Congress of the United States House of Representatives

Washington, DC 20515-3103

COMMITTEES

RESOURCES

RANKING MEMBER

SURCOMMITTEE ON FORESTS AND FOREST HEALTH

SUBCOMMIT ITE ON NATIONAL PARKS, RECREATION AND PUPLIE LANDS

SMALL BUSINESS

SUBCOMMITTEE ON RURAL ENTERPRISES, AGRICULTURE AND TECHNOLOGY SUBCOMMITTEE ON WORKLORGE, EMPLOYERMENT, AND GOVERNMENT PROGRAMS

VETERANS' AFFAIRS

SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

AL 06-001-6094 October 5, 2006

Ms. Marcia Lacey
President
American Water Works Association
6666 W. Quincy Avenue
Denver, Colorado 80235

Reference: Mr. Michael Daly

Dear Ms. Lacey:

Mr. Michael Daly has contacted Congressman Tom Udall's office in resolving a matter with which you might be able to provide assistance. Enclosed are copies of the information we have been provided on the particular situation for your review.

Your prompt consideration would be greatly appreciated as Michael is eager to resolve this matter as soon as possible. A copy of your response will be sent to the Congressman's constituent. Please send your response to:

Congressman Tom Udall Attn: Calvert Curley 110 West Aztec, Suite 102 Gallup, New Mexico 87301

Should you have any questions, please feel free to contact me at 505-863-0582.

OCT 1 1 2006

OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS

Sincerely

Calvert Curiey

Constituent Services Representative

Enclosure(s): 3

cc: Mr. Michael Daly

Mr. Ron Curry, NMDOE

Mr. Edward D. Erenik, EPA

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White Cliffs Mutual Domestic Water Users Association P.O. Box 1518 • Gallup, NM 87305

505.870.3430 • arrow@cnetco.com

September 13, 2006

Congressman Tom Udall 811 Saint Michael's Drive, Suite 104 Santa Fe, NM 87505

RE: Small Wa

Small Water System Variances

Dear Congressman Udall:

We are writing in support of the USEPA's proposed revisions calling for SWDA affordability criteria to be applied for small water systems. I note that both the American Water Works Association and the Rural Community Assistance Partnership have taken positions against the proposed revisions. To this I say that even though our water system is a member of AWWA we were never polled by AWWA so their comments should be viewed in that light. As for the Rural Community Assistance Partnership, we question that they have much business making comments. They assist small communities, but they are not the small communities. The National Rural Water Association did poll us about this matter and we agree completely with their position.

We have included a letter addressed to the President of AWWA expressing our displeasure with their position. It also outlines in substantial format good reasons why the proposed revisions are appropriate and necessary.

Thanks for your consideration.

Cordially

Michael Daly, President



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Best Tasting Water in New Mexico
New Mexico Rural Water Association

White Cliffs Mutual Domestic Water Users Association P.O. Box 1518 • Gallup, NM 87305

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505.870.3430 • arrow@cnetco.com

9/3/2006

Ms. Marcia Lacey, President American Water Works Association 6666 W. Quincy Avenue Denver, CO 80235

RE: AWWA Journal Article: Divide deep on SDWA affordability criteria, August 2006

Dear Ms. Lacey:

We take strong objection to AWWA's position against Small System Variances. We are a member of AWWA and we are a very small system. AWWA did not poll us prior to taking a position in this matter. The short of it is that Congress directed (not requested) the EPA to enact the Small System variances (SSV's) and the EPA has not done so. Reading the article, I find only the National Rural Water Association represents our views.

As for the arguments in the article asking for "regulations based on sound science", please be serious. What is the epidemiology of arsenic and cancer in our home state of New Mexico? Our water system, prior to installing a reverse osmosis water system, gave our customers water that contained arsenic at the 14 to 38 parts per billion (PPB) level and fluoride that sometimes reached 2.25 parts per million. These we had to report in our federally mandated Consumer Confidence Report which no one here reads or understands. But neither the EPA nor the New Mexico Environment Department raised a word about the 1,200 parts per million sodium in our water. There is plenty of "sound science" that relates high sodium intake to serious medical problems including high blood pressure, fluid retention and heart problems.

The Association of State Drinking Water Administrators (ASDWA) argues that the triple-maximum contaminant level (MCL) for Small System Variances "raises some fundamental questions about the rule-development process generally." This is true. But life is about choices. What is the incidence of the injury we are trying to prevent? Assuming the arguments of the EPA are correct, does a 50 PPB level increase injury by one in two hundred thousand?

For some perspective, consider our small community located four miles from the City of Gallup by paved road. We have 52 service connections. The average annual family income is about \$14,000. Our homes are about 20 feet apart in many cases. We have water service, but no fire hydrants. We have a fire station nested in with us. The department is volunteer, with a single 1,000 gallon tanker. In the entire White Cliffs Fire Protection area of 98 square miles, we have exactly one fire hydrant, located miles away in the center of Red Rocks State Park. In the last five years we have had three fires among our 52 users. So far no lives have been lost. We are working to place a donated 50,000 gallon water tank on a nearby hill and get fire hydrants and



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New Mexico Rural Water Association

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There are about 600 water systems in New Mexico, most of them small like us. Each system has its special problems or needs. Each one could write a paragraph about their "special problem" or problems just as we have about needing fire protection. And each small water systems finds that we are constantly being ground into the dust of EPA regulations. Our two biggest assets as a group are AWWA and the Rural Water Association which serve to keep us informed and to speak for us. But Ms. Lacey, before speaking for us, please listen to us. In New Mexico we are also fortunate that the New Mexico Environment Department (NMED) personnel are, with very few exceptions, great assets. They say that generosity gives assistance rather than advice. If this is so then we have a very generous Environment Department. But more and more NMED has to serve as a go-between between EPA regulations and the state's water systems.

While the bureaucrats and chemists at the EPA are looking to enact another rule to help us or find another danger to protect us from, we are speaking to our Congressional Representatives and asking for relief so we can get our basic needs met. Is it fair? Who knows? A person living in Chicago or Los Angeles is breathing much more contaminated air but that person is much closer to an ambulance. We are more likely to die on the highway, a victim of a drunk driver. Should we all move to Utah, where there is little change of being killed by a drunk driver?

Our democracy gives us freedom; it doesn't demand removing the inequalities among us. Life itself is a risk.

Ms. Lacey, I ask that AWWA revisit its position on this matter or at the very least poll your small system membership before taking such an inflammatory position. We want AWWA to continue to be a generous association.

Sincerely

Michael Daly, President

TOM UDALL **NEW MEXICO**

110 HART SENATE OFFICE BUILDING WASHINGTON, DC 20510 (202) 224-6621 (202) 228-3261 FAX http://tomudall.senate.gov

United States Senate

WASHINGTON, DC 20510

COMMITTEES: COMMERCE, SCIENCE, AND TRANSPORTATION

> **ENVIRONMENT AND PUBLIC WORKS** INDIAN AFFAIRS

RULES AND ADMINISTRATION

_ 09-001-1985 July 21, 2009

U.S. Environmental Protection Agency Ms. Jane Kurtz OAR/OAP Climate Protection Partnerships Division 1310 L St NW, # 1005F Washington, DC 20005

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Dear Ms. Kurtz:

I write in strong support of the grant application submitted by the City of Santa Fe for funding through the Climate Showcase Communities grant program, administered by the U.S. Environmental Protection Agency.

If awarded, these federal funds will be used to provide energy efficiency audits and upgrades to many low and moderate income families of northern New Mexico. The City of Santa Fe intends to partner with the Santa Fe Community College to engage disadvantaged and at-risk youth in the community to provide these upgrades, free of charge, to qualifying families.

The energy efficiency upgrades provided by participating youth would include the replacement of incandescent light bulbs with compact and energy saving fluorescents, the exchange of existing showerheads with low-flow showerheads, and the installation of programmable thermostats. These young people would also work to insulate existing hot water heater tanks and pipes, provide and install weather stripping and calk to prevent drafts from windows and doors, and adjust the temperature of existing equipment such as water heaters and refrigerators.

I believe that the grant application submitted by the City of Santa Fe has merit, and I urge you to give it thoughtful consideration within the guidelines of your rules and regulations.

Tom Udall United States Senator

TU/LD



WASHINGTON, D.C. 20460

AUG 2 1 2009

OFFICE OF AIR AND RADIATION

The Honorable Tom Udall United States Senate Washington, D.C. 20570

Dear Senator Udall:

Thank you for your letter of July 21, 2009, to Jane Kurtz expressing support for the City of Santa Fe's application to receive funding from the U.S. Environmental Protection Agency (EPA) under grant opportunity EPA-OAR-CPPD-09-08 "Climate Showcase Communities Grant Program." Your letter has been included as part of their overall application.

As this is a competitive solicitation, all applications submitted will be given equal review and consideration. Final award decisions will be made after the reviewers convene a technical evaluation panel to rate and rank the eligible applications. Applicants will be notified of EPA's decisions on funding after the solicitations have been approved. We expect to award grants in January 2010.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Slizabeth Cray

Sima McCarthy

Assistant

TOM UDALL 3D DISTRICT, NEW MEXICO

CO-VICE CHAIR CONGRESSIONAL NATIVE AMERICAN CAUCUS

1414 LONGWORTH HOUSE OFFICE BUILDING WASHINGTON, DC 20515 (202) 225-6190

> 811 SAINT MICHAELS DRIVE SUITE 104 SANTA FE, NM 87505 (505) 984-8950

www.tomudall.house.gov



Congress of the United States House of Representatives

Washington, **DC** 20515-3103

April 20, 2007

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DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

Mr. Edward D. Krenik

AL 07-000-6986

Associate Administrator of Congressional and Intergovernmental Affairs Environmental Protection Agency 1200 Pennsylvania Ave., N.W. RM 3428 ARN

Washington, D.C. 20460

Reference: Mr. Michael Daly

Dear Mr. Krenik:

Mr. Michael Daly has contacted Congressman Tom Udall's office in resolving a matter with which you might be able to provide assistance. Enclosed are copies of the information we have been provided on the particular situation for your review.

Your prompt consideration would be greatly appreciated as Michael is eager to resolve this matter as soon as possible. A copy of your response will be sent to the Congressman's constituent. Please send your response to:

Congressman Tom Udall Attn: Calvert Curley 110 West Aztec, Suite 102 Gallup, New Mexico 87301

Should you have any questions, please feel free to contact me at 505-863-0582.

Sincerely,

Calvert Curley

Constituent Services Representative

Enclosure(s): 3

cc: Mr. Michael Daly

BRANCH OFFICES:

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Michael Daly, President



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White Cliffs Mutual Domestic Water Users Association

P.O. Box 1518 • Gallup, NM 87305

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New Mexico Rural Water Association

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Sincerely

Life itself is a risk.

Michael Daly, President



WASHINGTON, D.C. 20460

MAY 1 7 2007

OFFICE OF WATER

The Honorable Tom Udall Member, U.S. House of Representatives 110 West Aztec, Suite 102 Gallup, New Mexico 87301

1 honder

Dear Congressman Udall:

Thank you for your letter of April 20, 2007, in which you conveyed the concerns of your constituent, Mr. Michael Daly, on the Environmental Protection Agency's (EPA) proposal to revise its methodology for small system variances. EPA's proposal - Small Drinking Water Systems Variances - Revision of Existing National-Level Affordability Methodology and Methodology to Identify Variance Technologies that are Protective of Public Health - was published in the Federal Register on March 2, 2006. The Agency received several thousand comments and is currently reviewing them in order to develop the final policy.

EPA works extensively with its state co-regulators to develop and implement strategies to assist systems in achieving compliance with drinking water standards. This includes the use of the Drinking Water State Revolving Loan Funds to provide financial assistance (particularly to systems serving economically distressed communities) and technical assistance to help systems identify the most cost effective means of complying with drinking water standards. While we believe that technical and financial assistance along with existing regulatory flexibility will provide most small systems with the tools they need to protect public health, EPA is also committed to working to improve the affordability analyses under the Safe Drinking Water Act to address those systems that remain challenged.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Steven Kinberg, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-5037.

Sincerely,

Benjamin H. Grumbles

Assistant Administrator

PETER WELCH AT-LARGE, VERMONT

COMMITTEE ON RULES

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

Congress of the United States

House of Representatives Washington, **BC** 20515—4501 Washington, DC 20515-4501 202-225-4115

DISTRICT

1404 LONGWORTH HOUSE OFFICE BUILDING

30 Main Street 3ro Floor, Suite 350 Burlington, VT 05401 (802) 652-2450 (888) 605-7270

AL01-001-5562

September 20, 2007

The Honorable Stephen Johnson Administrator United States Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460

Dear Administrator Johnson:

In light of last week's ruling by United States District Court Judge William Sessions, we write to urge your immediate approval of California's Clean Air Act waiver related to tail pipe emissions.

As you know, this waiver of preemption under the Clean Air Act would allow California to aggressively regulate global warming pollution from automobiles. Many states have passed legislation that would impose identical reductions of greenhouse gases and are awaiting the Environmental Protection Agency's (EPA's) decision regarding California's waiver before they can proceed. States that have already taken such action include: Vermont, Oregon, Washington, Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Other states are also carefully considering the adoption of California's emissions requirements, including Illinois, Arizona, North Carolina, Colorado, New Mexico and New Hampshire.

On September 12, 2007, United States District Court Judge William K. Sessions effectively upheld California's landmark global warming tailpipe standards. Judge Sessions ruled that the automotive companies who brought the suit, "have not carried their burden to show that compliance with the regulation is not feasible; nor have they demonstrated that it will limit consumer choice, create economic hardship for the automobile industry, cause significant job loss, or undermine safety." The Court also found that the federal fuel economy law does not block California and other states from adopting laws under the Clean Air Act to cut global warming pollution from vehicles. Further, the Court clearly rejected the automotive manufacturers' claims that the standards would hurt consumers or are technically infeasible.

Your approval of this waiver would be consistent with the intent of the April 2, 2007 decision by the United States Supreme Court in *Massachusetts v. EPA*. There the Court held that greenhouse gases are air pollutants and therefore are subject to EPA regulation.

This decision, as well as Judge Session's decision, should guide the EPA as it completes the review of the California waiver.

There is a growing consensus among the states that immediate action is necessary to reduce the imminent hazards of America's global warming pollution. We urge you to make your decision on the merits, in accordance with the law and the facts of this case, which demand you immediately grant California's waiver, allowing California and other States to move forward---ideally in partnership with the federal government.

Sincerely,

Peter Welch

Member of Congress

Edward J. Markey

Member of Congress

Member of Congress

Kathy Castor

Member of Congress

Member of Congress

Mark Udall Member of Congress Zoe Jofgren	Pete Stark Member of Congress Jerfy MoNorney
James Langevin Member of Congress	Adam Schiff Member of Congress
Diane Watson Member of Congress Anna Eshoo	Michael Arcuri Member of Congress Attuck Ly Patrick J. Kennedy
Joe Courtney Member of Congress	Ed Perlmytter Member of Congress
Steven F. Lynck Member of Congress Doris Matsui	John Sarbanes Member of Congress Dennis Cardoza Member of Congress
Member of Congress Mike Thompson Member of Congress	James McGovern Member of Congress

Christopher Murphy Member of Congress	Xavier Becerra Member of Congress
Paul Hodes Member of Congress Holt	Anthony Welhor Member of Congress
Rush Holt Member of Congress Albio Sires Member of Congress	Christopher Slays Member of Congress Thomas Allen Member of Congress
Jan/Schakowsky Wember of Congress	Keith Ellison Member of Congress
Jim McDermont Member of Congress Lois Capps Member of Congress	Timothy V. Johnson Member of Congress John Hall Member of Congress
John Olver Member of Congress	Sam Farr Member of Congress
Phil Hare Member of Congress	Linda Sanchez Member of Congress

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Gwen Moore Member of Congress	Michael Honda Michael Honda
Base Ball	Member of Congress
Bruce Braley Lember of Congress	Betty McCollum Member of Congress
Tom Udali	Michael Michaud
Member of Congress	Member of Congress
Hilda L. Suls Hilda Solis Member of Congress	Peter DeFazio Member of Congress
Carol Shea-Porter	Danny Davis Danny Davis
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Susan A. Davis Member of Congress	George Miller Member of Congress
Michael Capuano Member of Congress	Richard Neal Member of Congress
Grace Napolitano Member of Congress	Donald M. Payne Member of Congress
Chris Van Hollen Member of Congress	Howard Berman Member of Congress

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Brad Sherman	· ·
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Barney Frank	Jane Harman
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Lynn Woolsey	Mb felse
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Earl Blumenauer	Maurice Hinohey
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Marion Berry Member of Congress	Barbara Lee Member of Congress
Levelle Louber O- Moland	William O. Oslalut
Lucille Roybal-A Nard	William Delahunt
Member of Congress	Member of Congress

Juli Cam	James Bald
Julia Carson Member of Congress	Tammy Baldwin Member of Congress
Eller Stawery	Frank Pallone .
Ellen O. Tauscher Member of Congress	Frank Pallone Member of Congress
Louise Slaughter Member of Congress	Carolyp Maloney Member of Congress
Eleanor Holmes Norton	Dewis Hunil Dennis Kucinich
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Albert Wynn Member of Congress	Brad Miller Member of Congress
when or congress	Caria Vine
Michael R. McNulty Member of Congress	David E. Price Member of Congress
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Donna M. Christensen Member of Congress	



WASHINGTON, D.C. 20460

NOV 7 2007

OFFICE OF AIR AND RADIATION

The Honorable Mark Udall U.S. House of Representatives Washington, D.C. 20515

Dear Congressman Udall:

Thank you for your letter dated September 20, 2007, co-signed by 87 of your colleagues, regarding motor vehicle emissions standards for greenhouse gases adopted by California and subsequently adopted by 11 other states. In light of a recent U.S. District Court decision in Vermont, you have urged the United States Environmental Protection Agency (EPA) to immediately grant California's waiver request for its greenhouse gas emission standards.

As noted in your letter, EPA must reach its waiver decision based on the applicable law and facts. The Vermont court decision and other information received after the close of the public comment period have been included in the public docket for the waiver proceeding. Recognizing the importance of this matter, Administrator Stephen Johnson announced his intention to issue a waiver decision by the end of this year. EPA will make every effort, to the extent practicable, to consider all docket materials in reaching its final decision.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2095.

Sincerely,

Robert J. Meyers

Principal Deputy Assistant Administrator

TOM UDALL 3D DISTRICT, NEW MEXICO

1410 Longworth House Office Building Washington, DC 20515

(202) 225-6190 811 SAINT MICHAELS DRIVE

811 SAINT MICHAELS DRIVE SUITE 104 SANTA FE, NM 87505 (505) 984–8950

STEERING AND POLICY COMMITTEE

AT-LARGE WHIP

www.tomudall.house.gov



Congress of the United States House of Representatives

Welashington, **DC** 20515-3103

COMMITTEE ON APPROPRIATIONS

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SUBCOMMITTEE ON THE LEGISLATIVE BRANCH

Co-Vice Chair CONGRESSIONAL NATIVE AMERICAN CAUCUS

AL -08-001-5937

December 11, 2008

The Honorable Stephen L. Johnson Administrator Environmental Protection Agency Ariel Rios Federal Building 1200 Pennsylvania Avenue, NW Washington, DC 20460

Dear Mr. Johnson,

I write to introduce to you to Mr. Clayton McMartin II, President of Clean Fuels Clearinghouse (CFCH) of Taos, New Mexico. Mr. McMartin is the President of CFCH and is working on the RINSTAR ® renewable fuel registry developed by CFCH.

I understand that Mr. McMartin will be meeting next week with senior staff of EPA's Office of Transportation and Air Quality to discuss possible cooperation between EPA and Clean Fuels Clearinghouse on a federal register as a component of the advanced Renewable Fuel Standard. I very much appreciate your staff's willingness to meet with Mr. McMartin to discuss opportunities to collaborate with CFCH on a federal renewable fuel registry.

Please feel free to contact me or Michael Collins of my staff at (202) 225-6190 if you have any questions or if we can be of further assistance.

la.

Tom Udall

Member of Congress

(schill

Congress of the United States

Washington, DC 20510

AL 09-000-9634

June 24, 2009

The Honorable Lisa Jackson Administrator United States Environmental Protection Agency 1200 Pennsylvania Ave., NW Washington D.C. 20460

Dear Administrator Jackson:

Recent reports show that the U.S. biodiesel industry is in a state of crisis. The U.S. Environmental Protection Agency (EPA) should take responsible action to protect the 29,000 jobs biodiesel provides and preserve the future benefits of this renewable fuel.

Domestic producers are faced with a lack of a market in the U.S., despite the clear intent of Congress to create one starting in 2009. Congress passed, and the President signed, the 2007 Energy Independence and Security Act (EISA) in part to ensure a reliable market for biodiesel of one billion gallons in the renewable fuel standard (RFS). Unfortunately, the prior EPA Administration failed to issue the updated RFS rules, despite the fact that Congress required them to do so no later than December 19, 2008 under Sec. 202(a)(1) of EISA.

Under your leadership, EPA produced the draft RFS rule several weeks ago, but under that draft rule the biodiesel standard will not be of any benefit to this struggling industry until the final rule is issued, perhaps well into 2010. Major oil companies reportedly will not purchase biodiesel until an RFS rule is final, and the European Union recently imposed a high tariff to restrict biodiesel imports, dealing a potential fatal blow to this U.S. renewable energy industry.

We recommend EPA consider an interim rulemaking to ensure a market for biodiesel in the U.S. until the issuance of final RFS rules. Without EPA action, industry participants believe that the 29,000 biodiesel jobs that are already at risk could be eliminated, including those in New Mexico. We recommend that EPA consider its authority to prevent a potential economic disaster in the U.S. biodiesel industry by issuing an interim rule under EISA, the interim rule provision of the Administrative Procedure Act, and the emergency provision of Executive Order 12866 on Regulatory Planning and Review.

Biodiesel is a proven technology, with a developed capacity, and the potential to grow and create jobs in the United States in fuel production and in agriculture. EPA should consider all responsible options to save these jobs, and we urge effective action as quickly as possible.

Thank you for listening to these concerns and responding quickly to the crisis facing U.S. biodiesel producers. We look forward to working with you to create clean energy jobs, reduce dependence on foreign oil, and protect our environment.

Sincerely,

Tom Udall

U.S. Senator

Member of Congress

Ben Rey Luján

Member of Congress



WASHINGTON, D.C. 20460

JUL 17 2009

OFFICE OF AIR AND RADIATION

The Honorable Tom Udall United States Senate Washington, D.C. 20510

Dear Senator Udall:

Thank you for your letter to Administrator Jackson dated June 24, 2009, co-signed by two of your colleagues, recommending that the U.S. Environmental Protection Agency (EPA) consider an interim rulemaking for biodiesel until issuance of the final Renewable Fuel Standard (RFS2) regulations. The Administrator asked that I respond on her behalf.

As you stated in your letter, the Energy Independence and Security Act (EISA) requires that EPA implement revised standards for renewable fuels beginning in 2009. These standards include a requirement for 0.5 billion gallons of biomass-based diesel in 2009 and 0.65 billion gallons in 2010. According to the analyses we conducted for our Notice of Proposed Rulemaking (NPRM), some types of biodiesel would qualify as biomass-based diesel under the definitional requirements specifically established in EISA.

When EISA went into effect on December 19, 2007, it established one year to propose, finalize and implement the revised standards. However, the revisions established in EISA are complex, and the process to develop the proposed rule culminated in its publication in the Federal Register on May 26, 2009. The Agency's intent is to complete the public review process, finalize the rule and implement the full RFS2 standards in 2010. Since publication, the Agency has had numerous requests to extend the comment process and on June 30, 2009, a notice was signed to extend the comment period for an additional 60 days. However, we still intend to complete the final RFS2 rules by the end of 2009 and push forward with implementing the standards in 2010.

Given the time associated with finalizing and implementing the RFS2 program, you are suggesting that the Agency go forward with an interim rulemaking putting in place EISA's new biomass-based diesel volume standard beginning in 2009. However, putting in place the new volume requirement without also putting in place EISA's new definition for biomass-based diesel, renewable fuel, and renewable biomass, raises significant legal and policy issues that would necessarily require a new proposal with its own public notice and comment process. After analyzing our available authorities, we do not believe that a rulemaking addressing these issues without allowing for public participation would ultimately be successful. Additionally, because of the significant time required for notice and comment rulemaking, the need to provide industry with adequate lead time for new requirements, and the fact that we are already well into calendar

year 2009, it is unlikely that any interim rule could impact biodiesel demand in 2009. Resources applied to the interim rulemaking would also be unavailable for development of the final RFS2 rulemaking. As a result, developing an interim rule could undermine EPA's ability to complete the full RFS2 program regulations in time for 2010 implementation.

In our proposed RFS2 rulemaking and in the <u>Federal Register</u> notice announcing the applicable standard for 2009, we described our proposal to address how both the 0.5 billion gallon requirement for 2009 and the 0.65 billion gallon requirement for 2010 would be met. In short, there would be a single compliance determination at the end of 2010 covering both years. This approach would allow the biomass-based diesel volume mandates in EISA to be implemented despite the fact that the rulemaking is finalized later. Therefore, we believe that the most prudent course of action is to continue development of the final RFS2 rulemaking rather than to divert resources to an interim rulemaking that would not likely have a significant impact on 2009 biodiesel demand.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

Gina McCarthy

Assistant Administrator

CONGRESS OF THE UNITED STATES

DELEGATION OFFICE STATE OF NEW MEXICO HART SENATE OFFICE BUILDING AL 09-001-2054 WASHINGTON, D.C. 20510 (202) 224-3330

July 30, 2009

Ms. Jane Kurtz U.S. Environmental Protection Agency OAR/OAP/Climate Protection Partnerships Division 1310 L Street, NW, #1005F Washington, DC 20005

Dear Ms. Kurtz:

We are writing in support of an application to be submitted by the City of Santa Fe, New Mexico for a Climate Showcase Communities Grant award through your agency. We strongly endorse Santa Fe's proposal for at-risk youth to perform free energy efficiency upgrades at 900 homes and small businesses throughout the City.

As New Mexicans, we understand the need for our capital city to remain a leader in environmental issues. Its reputation for natural beauty, clean skies, and leading edge climate-friendly policies attracts the tourists that form the base of the City's economy as well as new residents. More importantly, Santa Fe has proposed a multifaceted, novel program that will engage local community members and serve as a model replicable across the country.

We are particularly impressed with the ability of the Energy Remedies program to spend only \$144 to reduce one ton of greenhouse gas emissions. When compared to publicly-funded alternatives, this is an extraordinarily cost-effective means of curbing our impact on our nation's environmental health and security.

Finally, the social and economic benefits of providing job training and employment to at-risk youth coupled with saving residents and businesses money on their utility bills, makes Santa Fe's proposal very compelling.

Thank you for your consideration of this application, and we ask to be kept apprised of its progress.

Tom Udall

United States Senator

Martin Heinrich

United States Representative

Ben Ray Luján

United States Representative

Harry Teague

United States Representative



WASHINGTON, D.C. 20460

SEP 2 5 2009

OFFICE OF AIR AND RADIATION

The Honorable Tom Udall United States Senate Washington, D.C. 20510

Dear Senator Udall:

Thank you for your letter of July 30, 2009, co-signed by four of your colleagues, expressing support for the City of Santa Fe's application to receive funding from the U.S. Environmental Protection Agency (EPA) under grant opportunity EPA-OAR-CPPD-09-08 "Climate Showcase Communities Grant Program." Your letter has been included as part of their overall application.

As this is a competitive solicitation, all applications submitted will be given equal review and consideration. Final award decisions will be made after the reviewers convene a technical evaluation panel to rate and rank the eligible applications. Applicants will be notified of EPA's decisions on funding after the solicitations have been approved. We expect to award grants in January 2010.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

Gina McCarthy

Assistant Administrator

United States Senate

WASHINGTON, DC 20510

AL 09-001-38/2

August 6, 2009

The Honorable Barack Obama President of the United States The White House 1600 Pennsylvania Avenue NW Washington, DC 20500

Dear Mr. President:

We are writing to ask your assistance to ensure that America maintains a viable domestic biodiesel industry that is capable of producing renewable diesel replacement fuel.

The Energy Independence and Security Act (EISA) of 2007 provides for renewable content in U.S. diesel fuel as part of the program's Advanced Biofuels schedule. Specifically, the Renewable Fuel Standard (RFS-2) requires the use of 500 million gallons of biomass-based diesel in 2009; 650 million gallons in 2010; 800 million gallons in 2011; and 1 billion gallons in 2012 and thereafter. This policy, if implemented in a timely and workable fashion, will promote the significant economic, environmental and energy security benefits associated with the domestic production and use of biodiesel.

The RFS-2 program was to begin on January 1, 2009, and the Environmental Protection Agency (EPA) was required to revise the current regulations to ensure the mandated volumes are met, including the volumes for biomass-based diesel. Recently, the EPA announced a two-month extension to the comment period for the new regulations. This extension will likely delay the implementation of RFS-2 well into 2010, causing further uncertainty and creating additional harm to biodiesel plants that have, as Congress intended, made substantial investments based on the volume goals provided for in the statute. The U.S. biodiesel industry desperately needs the market provided by the RFS-2 and cannot afford a significant delay in the implementation of the volume requirements mandated by EISA.

Domestic biodiesel producers face a practically non-existent domestic marketplace. Currently, 70% of U.S. biodiesel production capacity is idle. Domestic production is expected to be less than 50% of last year's levels and numerous bankruptcies loom for the industry. If this situation is not addressed immediately, the domestic biodiesel industry expects to lose 29,000 jobs in 2009 alone, and the nation's ability to meet the common-sense volume targets for biomass-based diesel provided for in RFS-2 will be compromised. A viable biodiesel industry is key to reducing U.S. dependence on foreign oil and meeting our nation's renewable energy goals.

Given the significant delays associated with RFS-2 implementation, the precarious state of the U.S. biodiesel industry, and the volume goals established by statute for biomass-based diesel, we believe this matter must be addressed immediately. While EPA appropriately increased the overall volume mandate to comply with EISA, it has, to date, failed to implement

The Honorable Barack Obama August 6, 2009 Page 2

the specific biomass-based diesel mandate. Therefore, we request that the Administration exercise its authority immediately, either by Executive Order or through Agency action or guidance, to provide greater certainty for the 2009 and 2010 RFS-2 volume mandates for biomass-based diesel. Prompt attention is critical to the survival of the biodiesel industry, will provide greater certainty in the marketplace, and is needed to further the energy security, environmental and economic interests of the country.

Thank you in advance for your consideration on this important matter.

Sincerely,

Kent Conrad

United States Senate

Tom Harkin

United States Senate

Jon Tester

United States Senate

Sam Brownback United States Senate

Pat Roberts United States Senate

Roland W. Burris United States Senate Chuck Grassley

United States Senate

By on Dorgan

United States Senate

Amy Klobuchar

United States Senate

United States Senate

Christopher S. Bond

United States Senate

Blanche L. Lincoln United States Senate

The Honorable Barack Obama August 6, 2009 Page 3 John/Thune United States Senate United States Senate Richard J. Durbin Debbie Stabenow United States Senate United States Senate Maria Cantwell Ben Nelson United States Senate United States Senate Patty Murray Mike Johanns United States Senate **United States Senate** Tim Johnson United States Senate George J. Voinovich United States Senate Al Franken United States Senate United States Senate

cc: The Honorable Lisa P. Jackson

Administrator

United States Environmental Protection Agency



WASHINGTON, D.C. 20460

OCT 0 7 2009

OFFICE OF AIR AND RADIATION

The Honorable Tom Udall United States Senate Washington, D.C. 20510

Dear Senator Udall:

Thank you for your letter of August 6, 2009, co-signed by 23 of your colleagues, to the President requesting that his Administration exercise its authority to provide greater certainty for the 2009 and 2010 RFS2 volume mandates for biomass-based diesel. The White House has asked the U.S. Environmental Protection Agency (EPA) to respond.

The Energy Independence and Security Act (EISA) required that EPA implement revised standards for renewable fuels to begin on January 1, 2009. These standards include a requirement for 0.5 billion gallons of biomass-based diesel in 2009 and 0.65 billion gallons in 2010. According to the analyses we conducted for our Notice of Proposed Rulemaking, some types of biodiesel would qualify as biomass-based diesel under the definitional requirements specifically established in EISA.

When EISA went into effect on December 19, 2007, it allowed only one year to propose, finalize and implement the revised standards. However, the revisions established in EISA are complex, and the process to develop the proposed rule culminated in its publication in the Federal Register on May 26, 2009. Despite the extension of the comment period by two months, the Agency's intent is to complete the rule and implement the full RFS2 standards in 2010.

We recognize the importance of the RFS2 biomass-based diesel volume requirements to the biodiesel industry. It is for this reason that, in our proposed RFS2 rulemaking and in the Federal Register notice announcing the applicable standard for 2009, we described our proposal to address how both the 0.5 billion gallon requirement for 2019 and the 0.65 billion gallon requirement for 2010 would be met. In short, there would be a single compliance determination at the end of 2010 covering both years. This approach is intended to allow the 2009 and 2010 biomass-based diesel volume mandates in EISA to be implemented despite the fact that the rulemaking would not be completed until later.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

Sina McCarthy

Assistant Administrator

TOM UDALL 30 DISTRICT, NEW MEXICO

DEMOCRATIC STEERING AND

POLICY COMMITTEE

AT-LARGE WHIP

1414 LONGWORTH HOUSE OFFICE BUILDING Washington, DC 20515 (202) 225-6190

> 811 SAINT MICHAELS DRIVE SUITE 104 SANTA FE, NM 87505 (505) 984-8950

w.tomudall.house.gov



Congress of the United States House of Representatives

Washington, **BC** 20515-3103

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AL 04 - 000 - 233/November 12, 2004

Mr. Charles L. Engebretsen Associate Administrator Congressional & Intergovernmental Relations **Environmental Protection Agency** 1200 Pensylvania Avenue NW 3426 ARN Washington, D.C. 20460

Reference: Ms. Betty Jane Curry

Dear Mr. Engebretsen:

A constituent, Ms. Betty Jane Curry, has contacted me for assistance on a problem with which you might be able to help. Enclosed is the information we have been given on the particular case for your perusal and review.

Betty is anxious to resolve this problem as soon as possible. Because of this, your prompt consideration would be greatly appreciated. A copy of your response will be sent to my constituent.

Should you have any questions, please do not hesitate to contact Peter Wells in my Rio Rancho office at 505-994-0499 or 3900 Southern Boulevard Southeast, Rio Rancho, New Mexico 87124.

Very truly yours,

Member of Congress

TU/pw

Enclosure(s): 3

cc: Ms. Betty Jane Curry

BRANCH OFFICES

Cuba, New Mexico 87013

November 9, 2004

Congressman Tom Udall 3900 Southern Blvd., SE Room 105-A Rio Rancho, NM 87124

Dear Congressman Udall:

Enclosed you will find the form you requested, and a copy of the article turned in to the Cuba News regarding the decommission of Horseshoe Spring.

You will note in the article that the EPA states that the bacteria present are not generally harmful, but there is the possibility that other harmful organisms may be present. This is not the first time that people in this area have had to deal with EPA and possibilities. We live in the real world. We drive to work knowing there is the possibility that we will be hit by a drunk or careless driver before we get there.

The Horseshoe Spring continues to flow, but it is almost inaccessible to the public without the improvements that the Forest Service provided. There is no trail to the Spring; the hill is very steep, and the underbrush is very thick. The public could still have access to the water, but only in very limited amounts, such as a gallon or two.

A local resident asked me, "What are you going to do about the closing of Horseshoe Spring?" I had not realized that it was my problem, but I had already written the letter to you. The public is hurting because of the action of EPA. As one resident told me, "We are not dummies up here. We know that the water can be treated to make it safe, and we can boil it before giving it to children."

Water is the most important resource we have. For an agency to deny water that has been used with no apparent harm since the first people settled in the area is particularly galling--"another case of government regulations interfering with our lives".

I hope you can help with this problem.

Sincerely yours,





U.S. Representative TOM UDALL New Mexico 3rd Congressional District Case Authorization and Privacy Release Form

NAME:	DATE: 11/8/04
MAILING ADDRESS:^	
HOME ADDRESS:	
CITY: Cuba	STATE: New Mexico ZIP: 87013
HOME PHONE	WORK PHONE:
E-MAIL ADDRESS:	FAX NUMBER:
SOCIAL SECURITY NUMBER	
PLEASE PROVIDE ANY OTHER IDENTIFICASE IDENTIFACTION NUMBER, CSA NETC.	FICATION RELEVANT TO YOUR CASE, SUCH AS VETERAN TUMBER, IRS NUMBER, INS NUMBER,
PLEASE ATTACH A TYPED OR CLEARY RELEVANT DOCUMENTATION.	WRITTEN DESCRIPTION OF THE PROBLEM AND ANY
inquiry on my behalf in addressing this matte	Representative Tom Udall, and/or members of his staff, to make an or. I further understand that I will save harmless any agencies divulging action, as well as Representative Tom Udall and/or any representative
Printed Name:	
Signature:	
In order to comply with the provisions of the	Privacy Act of 1974, it is necessary that your signature be on file.
Please return completed form to: Congressman Tom Udall 3900 Southern Blvd., S.E. Room 105-A Rio Rancho, New Mexico 87124	

FOREST SERVICE

CUBA RANGER DISTRICT HORSESHOE SPRINGS DECOMMISSIONING

Horseshoe Springs is a adside water source (a itural spring) maintainby the Santa Fe itional Forest on Route 26 near Cuba, New Mex50. It is not located Forest Service iministration or recreaion site. There is trause of this oring by local resipublic ents. As ater source, monthly esting of water from orseshoe Springs is reuired by State and Fedral law. At a minimuum orseshoe Springs must quarterly Bac-Ts ent to the State Envionment Department. Over he past nine years, the :ystem has continued to lave coliform bacteria ontamination problems and can no longer be perated. The Forest Service renovated spring box in 1996 and then completely rebuilt the system in 2001. The agency has also regularly repaired the results of vandalism, including broken valves and bullet holes in the spigot.

Total coliform was found in four of five tests for August. Total coliforms are bacteria, which, while not generally harmful, may tend to indicate contamination by other organisms which

are harmful.

Due to our continuing inability to meet Safe Drinking Water Standards with this system, and facing fines for not complying with these standards (which could amount up to \$32,000 per day), the Santa Fe National Forest has decided to stop operating the drinking water system. The roadside pipe will be removed on August 31, 2004

According to water quality rules and regulations for public drink-

must be found, the system disinfected and the water retested. In spite repeated attempts over time to find and correct the cause of contamination at Horseshoe Springs, water samples continue to total coliform bacteria. Consequently, Horseshoe Springs may no longer be operated as a source in its present configuration and U.S. Forest Service has decided to decommission the system. The natural Horseshoe Spring will continue to flow in its normal course.

The Forest Service sponsored an Open Forum in Cuba on September 1 to discuss this project. Anyone interested in this subject can visit personally with the District Ranger and technical experts.

Cuba Ranger District Steve Romero, District Ranger and David Allen, Forester, (505) 289-3264



HORSESHOE SPRING

We cannot blame the Forest Service for shutting down this source of water, which has been used by the public for years-not only for drinking, but for many household uses. Apparently the EPA feels that no water is better than this water.

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AL-0402331



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS, TX 75202-2733

MAN 1 4 2005

The Honorable Tom Udall
Member, United States
House of Representatives
3900 Southern Boulevard Southeast
Rio Rancho, NM 87124

Dear Representative Udall:

Thank you for your letter of November 12, 2004, to Charles L. Ingebretsen of our Headquarters office on behalf of your constituent, Ms.

Ms. / wrote to you regarding the closing of Horseshoe Springs water system in Cuba, New Mexico.

The U.S. Environmental Protection Agency did not take the system out of service or order it closed. This water system is associated with the USDA Forest Service, which maintained the system as a courtesy for the public. Over the past nine years, the system contained coliform bacteria, which endangered public health. Horseshoe Springs is not the main source of water for the community and it is not on a Forest Service recreation site. The community of Cuba owns and operates its own public water system, which is its main source of water. Horseshoe Springs is a roadside spring box on Route 126, near Cuba, with a pipe connection that delivers water through a spigot.

Due to the continuing inability over the years to meet the National Primary Safe Drinking Water Standards for coliform, the fear of fines for noncompliance with the Federal and State regulations, and the high cost of repairs due to vandalism, Forest Service decided to stop operating this water system. The Service spent \$100,000 to renovate the spring box in 1996 and completely rebuilt it in 2001. Due to the high costs, the potential of paying fines, and the threat to human health, the Service believed that closing the system would be the best solution.

If your constituent wishes to contact the USDA Forest Service, she may call Steve Romero, District Ranger, at (505) 289-3264.

I hope this information is helpful in responding to your constituent. If I can assist you further, please call me at (214) 665-2100.

Sincerely yours.

Richard E. Greene Regional Administrator

P.03/03

AL-040233/

2

cc: Ana Marie Ortiz, Director Field Operations Division

New Mexico Environment Department

Steve Romero
District Ranger
USDA Forest Service

Mary Lee Dereske, P.E.
Assistant Regional Environmental Engineer
Southwestern Region
USDA Forest Service



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 1 3 2012

AL 12-000-5501

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

The Honorable Tom Udall United States Senate Washington, D.C. 20510

Dear Senator Udall:

The U.S. Environmental Protection Agency's (EPA) Superfund program will be proposing to add the Jackpile-Paguate Uranium Mine site, located in Laguna Pueblo, New Mexico, to the National Priorities List (NPL) by rulemaking. The EPA received a governor/state concurrence letter supporting the listing of the site on the NPL. Listing on the NPL provides access to federal cleanup funding for the nation's highest priority contaminated sites.

Because the site is located within your state, I am providing information to help in answering questions you may receive from your constituency. The information includes a brief description of the site, and a general description of the NPL listing process.

If you have any questions, please contact me or your staff may contact Raquel Snyder, in the EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586. We expect the rule to be published in the <u>Federal Register</u> in the next several days.

Sincerely,

Mathy Stanislaus

Assistant Administrator

Enclosures



NATIONAL PRIORITIES LIST (NPL)

*** Proposed Site ***

March 2012

JACKPILE-PAGUATE URANIUM MINE | Laguna Pueblo, New Mexico

Cibola County

Site Location:

The Jackpile-Paguate Uranium Mine site is located on Laguna Pueblo about 40 miles west of Albuquerque in Paguate, Cibola County, New Mexico. The facility is located in an area of canyons and arroyos to the east of the village of Paguate. The property on which the former uranium mine is located is approximately 7,868 acres in size. Approximately 2,656 acres of this property were disturbed and contained three open pits, 32 waste dumps and 33 proto-ore stockpiles.

▲ Site History:

The mine was operated by Anaconda Minerals Company, a division of Atlantic Richfield Company. Mining operations were conducted from 1953 through March 1982. During the 29 years of mining, approximately 400 million tons of rocks were moved within the mine area and approximately 25 million tons of uranium ore were transported via the Santa Fe Railroad from the mine to Anaconda's Bluewater Mill, approximately 40 miles west of the site.

■ Site Contamination/Contaminants:

Primary site contaminants include uranium (U-234, U-235 and U-238) arsenic, barium, chromium, cobalt, copper, lead, manganese, vanadium, selenium and zinc. There are high concentrations of U-238 in surface water immediately downstream of the mine.

m Potential Impacts on Surrounding Community/Environment:

Surface waters of the Rio Paguate and in the Paguate Reservoir contain elevated levels of Isotopic Uranium. Fishing has been documented at the reservoir and down stream in the Rio San Jose. The levels of Isotopic Uranium could have an impact on Traditional/Cultural and Ceremonial uses of surface water bodies below the convergence of the Rio Paguate.

Response Activities (to date):

The Pueblo of Laguna, Bureau of Land Management, Bureau of Indian Affairs and Anaconda/ARCO entered into an agreement for site cleanup in 1986. To date reclamation has been primarily the covering of mine waste and contouring. In June 1995 the Jackpile Reclamation Project was officially completed. In September 2007, a Record of Decision (ROD) Compliance Assessment for Jackpile-Paguate Uranium Mine was performed to determine if the post-reclamation had met the requirements of the Environmental Impact Statement and Record of Decision (ROD). This report concluded that reclamation of the mine was still not complete.

Need for NPL Listing:

Releases from the mine are still occurring despite the reclamation of the surficial mine areas. The Pueblo of Laguna asked the EPA to consider the site for the NPL. The EPA has explored other options in lieu of listing with the Department of Interior for site cleanup; however no other alternate mechanism to address these releases has been identified. The EPA received a letter of support for placing this site on the NPL from the tribe.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at http://www.atsdr.cdc.gov/toxfaq.html or by telephone at 1-888-42-ATSDR or 1-888-422-8737.

NATIONAL PRIORITIES LIST (NPL)

WHAT IS THE NPL?

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

1. Scores at least 28.50:

A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which EPA published as Appendix A of the National Contingency Plan. The HRS is a mathematical formula that serves as a screening device to evaluate a site's relative threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. This is the most common way a site becomes eligible for the NPL.

2. State Pick:

Each state and territory may designate one top-priority site regardless of score.

3. ATSDR Health Advisory:

Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

- a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Department of Health and Human Services has issued a health advisory that recommends removing people from the site;
- b. EPA determines that the release poses a significant threat to public health; and
- c. EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Sites are first proposed to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days about listing the sites, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit <u>www.regulations.gov</u>.

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit www.epa.gov/superfund/sites/npl/.



Sen. Udall (NM) Inquiry about Pesticide Exposure

Sven-Erik Kaiser to: marco_grajeda

08/31/2012 03:01 PM

Marco - you contacted our office earlier in the week with a constituent question on pesticide exposure. I called back requesting additional detail. Please let me know if assistance is still needed. Thanks, Sven



Sen. Udall (NM) Inquiry about Parkinsons and Pesticides

Sven-Erik Kaiser to: marco_grajeda

09/11/2012 12:02 PM

Marco,

Thanks for the inquiry about connections between Parkinson's disease and pesticides. I checked with our program offices and research labs to see if we have any information. Unfortunately, EPA does not have any information or ongoing studies linking pesticides to Parkinson's disease. We are studying pesticides exposures and neurotoxicity but not Parkinson's. Please let me know if you have any additional questions. Thanks,

Sven

Re: Sen. Udall (NM) Inquiry about Parkinsons and Pesticides 🗟

Sven-Erik Kaiser to: Grajeda, Marco (Tom Udall)

09/13/2012 05:43 PM

Marco,

I'll send out a scheduler tomorrow with a call in #. Thanks, Sven

From: "Grajeda, Marco (Tom Udall)" [Marco Grajeda@tomudall.senate.gov]

Sent: 09/13/2012 09:38 PM GMT

To: Sven-Erik Kaiser

Subject: Re: Sen. Udall (NM) Inquiry about Parkinsons and Pesticides

Sounds great, Sven. Thanks! Tomorrow 330 eastern works with me. Should I call your office?

From: Sven-Erik Kaiser [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Thursday, September 13, 2012 05:32 PM

To: Grajeda, Marco (Tom Udall)

Subject: RE: Sen. Udall (NM) Inquiry about Parkinsons and Pesticides

Marco.

Thanks for the additional questions. I'm thinking it might be efficient to have a call with EPA program folks to go through the followup questions. Are you available tomorrow, Friday, September 14 for a call? Best times for us are 9-11am and 3:30 to 5 pm (eastern). Please let me know if any of those times work, if not we can look at next week. Best, Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Grajeda, Marco (Tom Udall)" ---09/13/2012 11:47:18 AM---Thanks, Sven. To give you additional information: The concern I recently heard from a group of const

From: "Grajeda, Marco (Tom Udall)" < Marco_Grajeda@tomudall.senate.gov>

To: Sven-Erik Kaiser/DC/USEPA/US@EPA

Date: 09/13/2012 11:47 AM

Subject: RE: Sen. Udall (NM) Inquiry about Parkinsons and Pesticides

Thanks, Sven.

To give you additional information: The concern I recently heard from a group of constituents is that long-term/ low-level exposure to pesticides may raise the risk of acquiring Parkinson's disease significantly. They were referring to the effects on people living near fields not necessarily working there. The group, Las Cruces Parkinson Group, cited an article from the Sierra Club, which I've attached, and a UCLA study, the announcement is also attached, as evidence that this low level exposure could be affecting people in farming communities. They specifically pointed to five pesticides as contributing to the development of the disease—four of which are being used in NM [Rotenone, Paraquat, Maneb and Ziram] and a fifth that is banned in the U.S. but is still being used in nearby Mexico [Dieldren]. The UCLA study mentions most of these pesticides and says that combining them increases even further the risk of developing Parkinson's.

Now I do have a few questions if you have a moment to answer them:

- Does the EPA see this a credible concern or could there be a potential correlation?
- Should long-term/ low level exposure to these pesticides be evaluated for potential risks?
- What effects do you all consider when determining if pesticides are safe?
- Are your current studies looking at long-term/ low-level exposure or short-term/ high-level exposure to pesticides?

Thanks again, Sven. Let me know if you need additional information.

Marco

From: Sven-Erik Kaiser [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Tuesday, September 11, 2012 10:03 AM

To: Grajeda, Marco (Tom Udall)

Subject: Sen. Udall (NM) Inquiry about Parkinsons and Pesticides

Marco,

Thanks for the inquiry about connections between Parkinson's disease and pesticides. I checked with our program offices and research labs to see if we have any information. Unfortunately, EPA does not have any information or ongoing studies linking pesticides to Parkinson's disease. We are studying pesticides exposures and neurotoxicity but not Parkinson's. Please let me know if you have any additional questions. Thanks,

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753(See attached file: Sierra Club Article-Parkinsons.docx)

202-566-2753(See attached file: Sierra Club Article-Parkinsons.docx)(See attached file: UCLA PR Parkinsons studey.docx)(See attached file: handouts.pdf)



Sen. Udall (NM) Inquiry on Pesticides and Parkinson's Disease

Sven-Erik Kaiser to: marco_grajeda Cc: LaWanda Thomas, Cynthia Fanning 09/18/2012 05:13 PM

Marco - following up on the call last week, here's the information you requested about registration review status for some of the specific chemicals we discussed, along with some background information explaining the process.

Paraquat: Final work plan completed 12/21/11, DCI issued 5/22/12 - no schedule yet for preliminary risk assessment, but will likely be 3-4 years from now once data are received.

Rotenone: Not yet scheduled - will be completed after those scheduled through 2015 (either in 2016 or 2017).

Ziram: Final work plan and docket opening scheduled for March 2015; DCI expected 6 months after docket opening; no schedule yet for preliminary risk assessment but likely 3-4 years following issuance of DCI.

Dieldrin and Maneb registrations have been cancelled.

The registration review process generally happens in the following steps. First, EPA's pesticides program reviews the available scientific data for each chemical to see if additional data are needed - most often some new data are required. This is summarized in "scoping" or "problem formulation" documents that form the basis for developing a work plan, and then developing and issuing a Data Call-In (DCI) to obtain the additional data required from the pesticide registrants. It often takes 2-3 years for these data to be generated by the registrants. The data is then submitted to the agency, and the agency completes a preliminary risk assessment based on this data and the other data available. After public comment, a final risk assessment is completed. Any required risk mitigation would be proposed at this stage of the process, or potentially earlier if a significant risk issue is identified. Public comment is elicited at several times throughout this process.

Please let me know if you have any additional questions. Thanks, Sven



Jim Jones Courtesy Visit Sven-Erik Kaiser to: andrew_wallace

02/15/2012 05:11 PM

Andrew,

This is a heads up that we are setting up courtesy visits for Jim Jones, the nominee for Assistant Administrator for the EPA Office of Toxic Substances. We're working with SEPW staff on scheduling his hearing and also offering courtesy visits for each member of the committee. Please let me know if any questions, his short bio is included below. Thanks, Sven

James J. Jones is the Acting Assistant Administrator for Toxic Substances in the Office of Chemical Safety and Pollution Prevention at the Environmental Protection Agency (EPA). In 2011, Mr. Jones served as Deputy Assistant Administrator in the Office of Air and Radiation at the EPA. From 2007 to 2011, Mr. Jones was Deputy Assistant Administrator for the Office of Chemical Safety and Pollution Prevention at the EPA from 2003 to 2007 he served as Director of the Office of Pesticide Programs at EPA. Mr. Jones held a series of management positions in the EPA's Office of Pesticide Programs from 1994 until 2003, when he became the Director. He served as a Special Assistant to the Assistant Administrator of what is now the Office of Chemical Safety and Pollution Prevention from 1991 to 1994. Mr. Jones earned a B.A. from the University of Maryland, College Park and a M.A. from the University of California, Santa Barbara.



Thank you

Sven-Erik Kaiser to: andrew_wallace

03/07/2012 05:23 PM

Andrew.

Thank you for setting up the courtesy visit. Please let me know if you have anything come up needing assistance. Best, Sven



Thank you

Sven-Erik Kaiser to: andrew_wallace

03/13/2012 10:04 AM

Drew,

Thanks again for setting up the courtesy visit with Sen. Udall and Jim Jones. Jim is interested in following up on Sen. Udall's thoughts about recognizing the 50th anniversary of Silent Spring. We tracked down the book and author Sen. Udall mentioned - http://www.bluegreenplanetsolutions.org/aboutus.html. Just thinking out loud -- do you think Sen. Udall would be interested in doing something -- perhaps a talk or a reading of the letters between Rachel Carson and Stewart Udall? Best, Sven



SEPW Flame retardants hearing

Sven-Erik Kaiser to: Wallace, Andrew (Tom Udall)

07/23/2012 04:47 PM

Andrew,

I'm checking to see if you know if Sen. Udall is planning to attend the hearing tomorrow and if there are any questions you would like Jim Jones of EPA prepared to answer. Thanks, Sven

Kaiser, Sven-Erik

From:

Kaiser, Sven-Erik

Sent:

Tuesday, February 12, 2013 8:54 AM

To:

Black, Jonathan (Tom Udall); Borum, Denis

Cc:

Haman, Patricia

Subject:

Sen. Udall (NM) Inquiry about Wetlands

Jonathan,

Thanks for the inquiry. I'm looping in my colleague Denis Borum who works on wetlands and clean water act jurisdiction issues. Please let me know if any additional questions. Best, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From:

"Black, Jonathan (Tom Udall)" < Jonathan Black@tomudall.senate.gov >

To:

Patricia Haman/DC/USEPA/US@EPA

Cc:

Josh Lewis/DC/USEPA/US@EPA, Sven-Erik Kaiser/DC/USEPA/US@EPA

Date:

02/11/2013 07:02 PM

Subject:

RE: Wetlands...

Haha, I love being vague and seeing what comes back! :)

Folks in NM want to develop land... very DRY land from what I understand. But the land is designated "wetlands" and is prohibited from development. I have to look into it further, but I can't imagine there are many wetlands in NM. And I don't even know who is involved in making that call. Hence the reach-out email to you after I googled "who designates wetlands?" and EPA had a few hits. :)

From: Haman.Patricia@epamail.epa.gov [mailto:Haman.Patricia@epamail.epa.gov]

Sent: Monday, February 11, 2013 5:50 PM

To: Black, Jonathan (Tom Udall)

Cc: Lewis.Josh@epamail.epa.gov; Kaiser.Sven-Erik@epamail.epa.gov

Subject: Re: Wetlands...

Hi Jonathan: I am not sure exactly what you are asking. I don't think you mean designation as in The Great Dismal Swamp. I think you probably really mean delineating something on private property but I am not sure. I am forwarding your question to Sven who is our team leader for the water team. I am sure he or someone on his team can provide you with what you need. Can you give us a little more to go on? Thanks, Pat

Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

"Black, Jonathan (Tom Udall)" ---02/11/2013 05:34:36 PM---Does EPA designate areas as wetlands?

From: "Black, Jonathan (Tom Udall)" < Jonathan Black@tomudall.senate.gov>

To: Patricia Haman/DC/USEPA/US@EPA, Josh Lewis/DC/USEPA/US@EPA

Date: 02/11/2013 05:34 PM

Subject: Wetlands...

Does EPA designate areas as wetlands?

Kaiser, Sven-Erik

From:

Kaiser, Sven-Erik

Sent:

Friday, February 15, 2013 12:38 PM

To:

Black, Jonathan (Tom Udall)

Cc:

Borum, Denis

Subject:

RE: Sen. Udall (NM) Inquiry about Wetlands

Jonathan - are you available around 2pm today for a call? Thanks, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From:

"Black, Jonathan (Tom Udall)" < Jonathan Black@tomudall.senate.gov>

To:

Sven-Erik Kaiser/DC/USEPA/US@EPA, Denis Borum/DC/USEPA/US@EPA

Date:

02/15/2013 11:52 AM

Subject:

RE: Sen. Udall (NM) Inquiry about Wetlands

Can you guys chat today on the phone for 10-15 mins? I'd like to tell you about a state issue and ask for guidance.

From: Kaiser.Sven-Erik@epamail.epa.gov [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Tuesday, February 12, 2013 8:54 AM

To: Black, Jonathan (Tom Udall); Borum.Denis@epamail.epa.gov

Cc: Haman.Patricia@epamail.epa.gov

Subject: Sen. Udall (NM) Inquiry about Wetlands

Jonathan,

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Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

"Black, Jonathan (Tom Udall)" ---02/11/2013 07:02:39 PM---Haha, I love being vague and seeing what comes back! :) Folks in NM want to develop land... very DRY

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To: Patricia Haman/DC/USEPA/US@EPA

Ce: Josh Lewis/DC/USEPA/US@EPA, Sven-Erik Kaiser/DC/USEPA/US@EPA

Date: 02/11/2013 07:02 PM

Subject: RE: Wetlands...

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Cc: Lewis.Josh@epamail.epa.gov; Kaiser.Sven-Erik@epamail.epa.gov

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Patricia Haman

Office of Congressional and Intergovernmental Relations

202-564-2806

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To: Patricia Haman/DC/USEPA/US@EPA, Josh Lewis/DC/USEPA/US@EPA

Date: 02/11/2013 05:34 PM

Subject: Wetlands...

Kaiser, Sven-Erik

From:

Kaiser, Sven-Erik

Sent:

Friday, February 15, 2013 1:30 PM

To:

Black, Jonathan (Tom Udali)

Cc:

Borum, Denis

Subject:

Re: Sen. Udall (NM) Inquiry about Wetlands

Jonathan,

I'll call you at 2pm and will have Greg Peck with the water office on too. Thanks,

Sven

From: "Black, Jonathan (Tom Udall)" [Jonathan Black@tomudall.senate.gov]

Sent: 02/15/2013 06:13 PM GMT

To: Sven-Erik Kaiser Cc: Denis Borum

Subject: RE: Sen. Udall (NM) Inquiry about Wetlands

Yes. Wonderful. Shall I call you?

I'm at 224-6722 otherwise.

From: Kaiser.Sven-Erik@epamail.epa.gov [mailto:Kaiser.Sven-Erik@epamail.epa.gov]

Sent: Friday, February 15, 2013 12:38 PM

To: Black, Jonathan (Tom Udall) **Cc:** Borum.Denis@epamail.epa.gov

Subject: RE: Sen. Udall (NM) Inquiry about Wetlands

Jonathan - are you available around 2pm today for a call? Thanks,

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Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

"Black, Jonathan (Tom Udall)" ---02/15/2013 11:52:20 AM---Can you guys chat today on the phone for 10-15 mins? I'd like to tell you about a state issue and a

From: "Black, Jonathan (Tom Udall)" < <u>Jonathan Black@tomudall.senate.gov</u>> To: Sven-Erik Kaiser/DC/USEPA/US@EPA, Denis Borum/DC/USEPA/US@EPA

Date: 02/15/2013 11:52 AM

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Sent: Tuesday, February 12, 2013 8:54 AM

To: Black, Jonathan (Tom Udall); Borum.Denis@epamail.epa.gov

Cc: Haman.Patricia@epamail.epa.gov

Subject: Sen. Udall (NM) Inquiry about Wetlands

Jonathan.

Thanks for the inquiry. I'm looping in my colleague Denis Borum who works on wetlands and clean water act jurisdiction issues. Please let me know if any additional questions. Best,

Sven

Sven-Erik Kaiser U.S. EPA Office of Congressional and Intergovernmental Relations 1200 Pennsylvania Ave., NW (1305A) Washington, DC 20460 202-566-2753

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Cc: Josh Lewis/DC/USEPA/US@EPA, Sven-Erik Kaiser/DC/USEPA/US@EPA

Date: 02/11/2013 07:02 PM Subject: RE: Wetlands...

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Sent: Monday, February 11, 2013 5:50 PM

To: Black, Jonathan (Tom Udall)

Cc: Lewis.Josh@epamail.epa.gov; Kaiser.Sven-Erik@epamail.epa.gov

Subject: Re: Wetlands...

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Patricia Haman Office of Congressional and Intergovernmental Relations 202-564-2806

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Date: **02/11/2013 05:34 PM** Subject: **Wetlands...**

Does EPA designate areas as wetlands?

From:

Laura Gomez/DC/USEPA/US

To: Cc:

Jonathan_Aronchick@epw.senate.gov Christina Moody/DC/USEPA/US@EPA

Date:

Friday, April 06, 2012 06:48PM

Subject: TESTIMONY ENCLOSED: Hearing on Beyond Border 2012: Improving Border

Environmental Quality

Good Evening,

Enclosed is the written testimony of Dr. Al Armendariz, Regional Administrator for EPA's Region 6 office, who will be testifying on April 11, before the Senate Environment and Public Works Committee, Subcommittee on Children's Health and Environmental Responsibility in Las Cruces, New Mexico.

Respectfully,

Laura E. Gómez Rodríguez U.S. Environmental Protection Agency (EPA) Office of Congressional & Intergovernmental Relations (OCIR) 1200 Pennsylvania Ave., NW (MC-1301R) Washington D.C., 20460 (P) 202-564-5736 (F) 202-501-1549 gomez.laura@epa.gov

Attachments:

Udall-Las Cruces Hearing 4.11.12-RA Armendariz.pdf

WRITTEN TESTIMONY

Of

Dr. Al Armendariz
U.S. Environmental Protection Agency

BEFORE THE

SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE SUBCOMMITTEE ON CHILDREN'S HEALTH AND ENVIRONMENTAL RESPONSIBILITY

Las Cruces, New Mexico
April 11, 2012

Good afternoon Senator Udall and members of the Subcommittee. My name is Al Armendariz. I am the Regional Administrator for the U.S. Environmental Protection Agency's Region 6 Office in Dallas, Texas. I am pleased to appear before you today to discuss the accomplishments of our work along the border. The U.S.-Mexico border is one of the most unique places in the world—not only because of its culture and environment, but also because of the interconnectedness that the two countries share. Air, water, and land pollution have no boundaries; therefore it is critical to address these challenges in a bi-national approach.

EPA has a history of working with Mexico's Ministry of Environment and Natural Resources (SEMARNAT) including through the La Paz Agreement. Our work with Mexico has been the commitment of two nations who understand the interconnectedness of our shared border. Most importantly, it is an example of how environmental protection can be achieved by working together as partners. EPA is proud to work with the Government of Mexico through many programs and activities that further achieve EPA's mission to protect human health and the environment, including the U.S. - Mexico Environmental Program: Border 2012, as well as the U.S.-Mexico Border Water Infrastructure Program, which provides funding through the Border Environment Infrastructure Fund (BEIF) and the Project Development Assistance Program (PDAP). We also look forward to continued collaboration into the future under the new Border 2020 program.

Border 2012 is our current bi-national program through which EPA and SEMARNAT work together with communities, state and local governments, U.S. tribal governments, and indigenous communities on both sides of the border to enhance and protect the environment and human health of border residents. The U.S.-Mexico Border Water Infrastructure Program was established in 1996 to support drinking water and wastewater projects that improve human health and the environment for border residents. These two programs complement each other to protect the environment and human health for border communities.

EPA's US-Mexico Border Water Infrastructure Program has worked closely with both the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADB) since the program's inception in 1996. EPA allocates Border Water Infrastructure Program funding to the BECC to support project planning and design, and to the NADB to finance project construction. These organizations play an important role in assisting EPA to provide drinking and wastewater infrastructure to residents along the border. The experience of the BECC and NADB is essential for seamless development and construction of water infrastructure projects.

EPA also coordinates with Federal, state and local funding partners to facilitate the delivery of often first time drinking water and wastewater services to small communities, while minimizing the administrative burden on them. Funding sources can include the U.S. Department of Agriculture-Rural Development (USDA-RD), the U.S. Department of Housing and Urban Development (HUD), EPA State Revolving Funds (SRFs), the Texas Water Development Board, the Government of Mexico and local communities on both sides of the border. Domestically, EPA routinely coordinates with USDA-RD to fund and implement infrastructure projects.

Through our collaboration EPA has been able to protect water quality by treating sewage at the source in a cost-effective and technically sound way. To date, EPA has invested a total of \$571 million in NADB administered Border Environment Infrastructure Fund (BEIF) construction funding which has leveraged an additional \$1.1 billion from other federal, state, local, and Mexican organizations. EPA's BEIF has funded ninety-eight projects for construction, benefiting 8.5 million people. Completed projects are treating more than 350 million gallons of wastewater per day. Every U.S.-Mexico Border Water Infrastructure Project, whether located in the U.S. or in Mexico, must demonstrate a human health and/or

environmental benefit. EPA strongly emphasizes the need for projects to demonstrate a clear benefit to the U.S. as a fundamental project selection criterion.

The Border Water Infrastructure Program has provided planning, design and construction assistance to a number of communities in New Mexico through the BECC-administered Project Development Assistance Program (PDAP) and the NADB-administered BEIF. Over \$4 million in PDAP funding has provided assistance to 16 project sponsors to develop environmental studies, preliminary engineering, planning documents and final designs. Projects in Chaparral, San Miguel, Columbus and Mesquite have received PDAP assistance and were able to obtain other sources of funding to implement their water and wastewater infrastructure projects. The BEIF has funded infrastructure projects to construct and rehabilitate water treatment plants within the communities of Anthony, La Union, Salem/Ogaz, Dona Ana County and Lordsburg. Significant progress has been made in providing border communities with essential drinking water and wastewater infrastructure services, however, significant challenges remain. EPA will continue to work with available resources to address the significant unmet infrastructure needs of border communities.

Working in partnership with the Government of Mexico, BECC and NADB, the EPA has been able to collaborate on environmental projects that protect human health and the environment. Together, we have solidified our partnerships through science, by connecting experts from all levels of government. These bi-national efforts with border and tribal governments help to sustain healthy communities by utilizing a bottoms-up approach and by working side-by-side at a grass-roots level. I'd like to spend a moment to highlight some of our border-wide accomplishments of the Border 2012 and Border Water Infrastructure Programs. Our accomplishments are centered on three essential themes; 1) strengthening bi-national state partnerships through collaboration; 2) capacity development; and, 3) developing solutions through partnerships. Some of our accomplishments include:

Strengthening Bi-national State Partnerships

New Mexico-Texas-Chihuahua Region: Removing solid waste through bi-national state-level partnerships: The Border 2012 New Mexico-Texas-Chihuahua regional workgroup has been instrumental in removing nearly 8 million tires from the region since the Border 2012 program was launched. More than 7 million tires came from the Juarez

scrap tire site. These efforts have substantially reduced the community's exposure to mosquito-borne diseases and potential fire and air pollution risks.

California-Baja California Region: Clean-up of hazardous waste through bi-national state-level partnerships: EPA worked with SEMARNAT and Baja California's Secretariat for Environmental Protection (SPA) to remove over 2,000 tons of hazardous waste and safely contain 42,000 tons of contaminated soil, waste, and debris at an abandoned U.S.-owned lead smelter, near Tijuana. As of today, that site has been remediated and revitalized into a new environmental laboratory for testing vehicle air emissions and samples from the air-monitoring network in Baja California.

Capacity development through Technical Assistance

Texas-Coahuila-Nuevo Leon and Tamaulipas Region: Reducing the potential for water-borne illness through technical assistance. Via a mutual collaboration with the State of Texas and the City of Pharr, a waste-water collection system was rehabilitated to prevent flows of untreated water to the nearby community.

Arizona-Sonora Region: Capacity development through tri-national tribal partnerships. Through cooperation of the Tohono O'odham Nation Office of Environmental Protection (one of the largest U.S. Tribes along the border), the Border Environment Cooperation Commission and Border 2012, the San Francisquito community was able to work with their tribal affiliates on the Mexican side of the border to access clean drinking water, while using a solar array to power the water conveyance system.

Developing Solutions through Partnerships

New Mexico-Texas-Chihuahua Region: When the U.S.-Mexico Border 2012 program was first launched in 2002, the Paso Del Norte air-shed of Ciudad Juarez, El Paso, and Dona Ana County violated the U.S. air standards for three different pollutants: ozone, carbon monoxide, and coarse particulates. As a result of bi-national cooperation between the U.S. and Mexico, the Paso Del Norte region has seen some of the best air quality improvement in the nation. The area now meets the standards for ozone and carbon monoxide and is near attainment for coarse particulate matter.

Arizona-Sonora Region: EPA worked closely with the Arizona Department of Agriculture and Mexico's Secretary of Agriculture to remove over 200,000 pounds of unused and obsolete agricultural pesticides in agricultural communities in Arizona and Sonora. These obsolete pesticide collection events have greatly reduced exposure to farm workers and their families.

Even though our efforts along the U.S.-Mexico border have contributed towards improving human health and the environment, there is still more work to be done to safeguard the health of border residents and the environment they live in. As the population increases along our shared border, the environmental challenges of air pollution, access to clean and safe water, and proper waste management remain ever present. In order to address these remaining challenges, EPA and SEMARNAT are embarking on a new U.S.-Mexico border program, the "Border 2020" program.

Border 2020 is a continuing effort to build healthy communities along the border by advancing actions and projects that address environmental and human health issues while strengthening bi-national partnerships. We anticipate that our work will involve cleaning the air through anti-idling engine technology, providing safe drinking water through infrastructure, and reducing exposure to hazardous waste and chemicals through awareness and better management practices.

EPA and SEMARNAT are currently negotiating the Border 2020 program; however I would like to point out some key differences between the Border 2012 and Border 2020 programs. Border 2020 has an 8 year implementation horizon. It will include biennial action plans that will establish priority and near-term targets that pay attention to the particular needs of a geographic area, region, or community, and adapt to emerging issues. There are five fundamental strategies being considered that will inform how we will achieve the goals and objectives of the program. These include:

- Climate Change
- Disadvantaged and Underserved Communities
- Children's Health
- Environmental Education

• Strengthening Tribal, State, Federal and International Partnerships

Upon completion of negotiations with our partners in Mexico, the Administration will present and sign the official document at a meeting of the 2012 National Coordinators in August, in Tijuana, Mexico.

In conclusion, EPA's collaboration with the Government of Mexico, specifically through our border programs, has been successful in establishing a strong bi-lateral environmental agenda. However it is our continuing partnership with state and local governments, tribes, and indigenous communities of Mexico, where we have been able to make important impacts toward improving the health of border citizens, and safeguarding the environment in which they live for present and for future generations.

I appreciate the opportunity to provide this testimony today and look forward to responding to any questions you may have.

From:

"Black, Jonathan (Tom Udall)" < Jonathan_Black@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date:

Tuesday, February 12, 2013 06:19PM

Subject:

RE: Introduction

History:

* This message has been replied to.

230pm on Thursday works. Just shoot me a note if you need to shift. I'm in Hart 110.

Thanks!

From: Gomez.Laura@epamail.epa.gov [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Tuesday, February 12, 2013 5:35 PM

To: Black, Jonathan (Tom Udall) **Subject:** Re: Introduction

Jonathan,

Thank your for getting back to me. Thursday afternoon works for me any time after 2:30 pm. Friday afternoon is open for me as well.

Let me know what works for you.

Best-

Laura E. Gomez Rodriguez Congressional Liaison Office of Congressional Affairs US Environmental Protection Agency Gomez.Laura@epa.gov

From: "Black, Jonathan (Tom Udall)" [Jonathan_Black@tomudall.senate.gov]

Sent: 02/12/2013 10:01 PM GMT

To: Laura Gomez

Subject: RE: Introduction

Ηi	-	 ~~	

With the exception of a few time slots, those days are relatively open, so perhaps you can send me some times that are convenient to you and I'll be on the lookout!

From: Gomez.Laura@epamail.epa.gov [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Tuesday, February 12, 2013 12:58 PM

To: Black, Jonathan (Tom Udall)

Subject: Introduction

Hi Jonathan,

I was forwarded your contact information by my colleague Josh Lewis who informed me that you are now taking over the energy and environment portfolio. I wanted to reach to you in regards to possibly meeting this week to introduce myself as I will be around the neighborhood. Please let me know what time works for you on Thursday or Friday.

Sincere Regards,

Laura

Laura E. Gómez Rodríguez
Congressional Liaison
Office of Congressional and Intergovernmental Relations (OCIR)
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Ave., NW (MC-1301R)
Washington D.C., 20460
(P) 202-564-5736
(F) 202-501-1549
gomez.laura@epa.gov

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date: Subject: Tuesday, April 24, 2012 09:46AM RE: Tomorrow: Possible Meeting

History:

This message has been replied to.

Sure, stop by at 430

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Monday, April 23, 2012 7:30 PM **To:** Wallace, Andrew (Tom Udall) **Subject:** Tomorrow: Possible Meeting

Hi Drew.

Hope your weekend went well.

I'm going to be in the neighborhood tomorrow for a round-table session in the afternoon.

I wanted to check with you if you have some time to meet around 4:30?

Let me know if that time works for you.

Best.

Laura

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date:

Monday, April 09, 2012 03:28PM

Subject:

revised Q list

Oue	sti	ons	for	EPA	•
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Big Picture

- 1. What was your personal experience growing up in the US-Mexico border region with environmental challenges, and what changes have you seen?
- 2. What are the biggest problems facing the border for water quality and treatment? What are the public health threats, especially to children and families?
- 3. Has Border 2012 achieved its goals and specific objectives for clean water and clean air?
- 4. What progress have we made on expanding clean water access for New Mexico in particular?
- 5. What are the key elements of Border 2020 going to be for clean water?

Funding

- 1. The Administration's budget request has been \$10 million for the Border Environmental Infrastructure Fund for the past several years. For 2012, the House proposed \$0 and the Senate met the budget request of \$10 million, so the final bill provided only \$5 million for this year. Six years ago the budget was \$50 million. Budgets are tight, but that is a huge drop. Is border environmental infrastructure still a priority at EPA?
- 2. A couple of weeks ago, I received a commitment from EPA Administrator Jackson to actively support the \$10 million budget request for 2013. Sen. Bingaman and I are requesting \$20 million. Will you advocate to EPA Headquarters the importance of this program in upcoming budgets?

Enhanced Federal Coordination

- 3. In 2009, the General Accounting Office found gaps in coordination of colonias water infrastructure programs, noting different agencies required different applications and documents and made uncoordinated decisions. What is EPA doing to coordinate with federal agencies like the Departments of Agriculture and Housing that have colonias infrastructure programs?
- 4. That 2009 report recommended that Congress set up a formal task force to coordinate that kind of effort. Could EPA be a leader in that kind of effort?
- 5. EPA has jurisdiction over water quality, but U.S. jurisdiction over water supplies like aquifers and river flows involves state governments and the Department of Interior. What is Border 2020 doing to coordinate water quality planning with water supply issues to achieve water sustainability?

Air Quality

- 1. What are the consequences if Dona Ana is declared non-attainment county-wide under a new ozone rule—does the Clean Air Act provide flexibility for a local governments and industry that faces cross-border air pollution?
- 2. How does EPA support air quality monitoring along the New Mexico border—is the State of New Mexico getting the assistance it needs?
- 3. What are the air impacts of border wait times, where many large trucks may idle for extended period of time, and what is EPA doing to ensure interagency work to minimize those emissions?

Ouestions for All 3 Agencies (EPA/BECC/NADBank):

1. If Congress provides the full \$10 million of the President's budget request, or the \$20

- million that Senator Bingaman and I are requesting from the Appropriations Committee, could those funds be used efficiently and effectively?
- 2. The Sunland Park wastewater treatment plant replacement project is currently in the pipeline for certification at BECC, and I want to ensure that it is a success. I'd like to ask a couple of questions about this project:
 - How important is this project to the public health and environment?
 - Do you believe that we can keep this project on track?
 - Will you do everything in your power to keep this project on track, and let us know if there is a problem?
- 3. What projects on the Mexican side of the border have reduced pollution and improved public health in New Mexico?
- 4. What successful projects have EPA/BECC/NADBank funded that reduce air pollution in New Mexico?
- 5. How has the federal funding for border environmental infrastructure been leveraged in terms of attracting other funding, both public and private, and how can we increase that?
- 6. What are the levels of leaks or other losses of treated water in border water systems and what actions can reduce the amount of water that has been cleaned, but is then lost to leaks?

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date:

Friday, April 06, 2012 06:42PM

Subject:

Re: Testimony and Photos for projector

History:

* This message has been replied to.

Were flexible on the photos. Just need to have them a bit before, on a usb thumb drive so they can use them on the av setup.

Andrew Wallace Sen. Tom Udall (NM) 202-224-6621

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Friday, April 06, 2012 06:33 PM To: Wallace, Andrew (Tom Udall)

Subject: Testimony and Photos for projector

Hi Drew.

Just to let you know we are about to send testimony today.

I do have a question with the photos to be used. Is there some flexibility in terms on sending them on Monday or do they need to be sent within the time-frame of the testimony?

Let me know.

Saludos,

Laura

"Wallace, Andrew (Tom Uďali)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date:

Thursday, April 05, 2012 11:48AM

Subject:

Qs for the hearing

I think some of the big messages we're looking to send at the hearing are:

Call for increasing coordination among federal agencies, build on existing coordination between binational-fed-state-local orgs in order to leverage scarce funds. Looking at recommendations from GAO, GNEB, what can Congress do to remove barriers/encourage coordination?

Call to speed up project processes/increase outreach to rural/colonias areas and help generate more projects where capacity is limited; ensure 2 ongoing NM projects (Anthony, Sunland Park) proceed smoothly.

Support future funding for the Border 2020/BEIF program and new funding/financing options

Here are some likely question topics (not all necessarily for EPA, but for the EPA/BECC/NADBank trio). Will loop back with some more, let me know where EPA has good answers.

Water:

- Q: What are some of your experiences growing up in the US-Mexico border region with environmental challenges, what are the big changes you've seen?
- Q: What are the big challenges facing the border for water quality and treatment? What are the public health threats, especially to children, families?
- Q: Has Border 2012 achieved its goal and objectives for water?
- Q: What are the key elements of Border 2020 going to be for water?
- Q: Describe some NM border environmental infrastructure projects EPA is involved in?
- Q: What is the TMDL process for the Rio Grande, how is it working, is it successful?
- Q: What are some example, status/progress of WWTPs in Mexico funded through BEIF that are benefiting US/NN/Rio Grande?

- Q: How has epa/necc/nadbank \$ been leveraged and how can we increase that?
- Q: What is water loss in border water systems, and what are agencies doing to reduce wasted water?
- Q: What is sustainability of border water supply, and are the Border 2020 agencies taking sustainability into acct when doing projects?
- Q: Status of binational water qual data warehouse started by epa now at ibwc w epa coop?
- Q: What is status of border environmental infrastructure needs assessment, what is \$ figure to bring us border to us stds?

AIR:

- Q: How much air pollution comes into the US from Mexico, and the other way around?
- Q: What are the impacts if Dona Ana is declared non-attainment county wide under a new ozone rule? What flexibility does the Clean Air Act provide when cross-border emissions are a reason for non-attainment?
- Q: What successful projects has EPA/BECC/NADBank funded in the NM border area to reduce air pollution?
- Q: Are the tri city air efforts a success, will epa look to build on that?
- Q: What are the air impacts of border wait times, what is EPA doing to ensure interagency work to minimize?
- Q: What are legal, regulatory, barriers to cross border emission reductions as parts of State Implementation Plans?
- Q: What is EPA doing to increase air monitors? Specific cases of Dona Ana re ozone non attain, Columbus PM?

From: To: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov> Laura Gomez/DC/USEPA/US@EPA, Cynthia Fanning/R6/USEPA/US@EPA

Date:

Wednesday, April 04, 2012 06:58PM

Subject:

Senate EPW Border Hearing

As an FYI, we are expecting these witnesses, invited by the minority on EPW. We are expecting them to focus on the federal border environmental programs that are the topic of the hearing.

Henry Darwin, Director, Arizona Department of Environmental Quality

Stephen M. Niemeyer, P.E., Border Affairs Manager and Colonias Coordinator, Texas Commission on Environmental Quality

-Drew

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date:

Wednesday, April 04, 2012 05:25PM

Subject:

RE: invite letter coming...Thank youon another note

History:

This message has been replied to.

I'll be looping back with questions soon, hopefully tomorrow, maybe Friday. Is there anyone else at EPA I should discuss them with (like Reg. 6)?

Also, FYI, the hard copy delivery noted in the letter is a pro forma requirement, we won't be too concerned with that as long as we have it by email, but would like the hard copies the day of the hearing to distribute.

Let me know if you have any other questions. -Drew

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Wednesday, April 04, 2012 4:58 PM

To: Wallace, Andrew (Tom Udall)

Subject: Re: invite letter coming...Thank youon another note

Can we expect the exact questions as well?

Do you also know what other Senate members will be attending this field hearing?

-L

Laura E. Gómez Rodríguez
U.S. Environmental Protection Agency (EPA)
Office of Congressional & Intergovernmental Relations (OCIR)
1200 Pennsylvania Ave., NW (MC-1301R)
Washington D.C., 20460
(P) 202-564-5736
(F) 202-501-1549
gomez.laura@epa.gov

"Wallace, Andrew (Tom Udall)" ---04/04/2012 04:54:48 PM---Soon. It's been signed, waiting on a pdf copy

from EPW staff...

From: "Wallace, Andrew (Tom Udall)" < Andrew Wallace@tomudali.senate.gov To: Laura Gomez/DC/USEPA/US@EPA

Date: 04/04/2012 04:54 PM

Subject: invite letter coming...

Soon. It's been signed, waiting on a pdf copy from EPW staff...

Attachments:

4.11.12 Hearing Witness Invitation - Armendariz.pdf

BARBARA BOXER, CALIFORNIA CHAIRMAN

MAX BAUCUS MONTANA
INDMAS IR CARPER, DELAWARE
FRANK R LAUTENBERG, NEW JERSEY
SENJAMIN L. CARDIN, MARYLAND
SERNARO SANDERS, VERMONT
SEENARO SANDERS, VERMONT
SHELDON WHITEHOUSE, RHODE ISLAND
TOM UDALL, NEW MEXICO
JEFF MERKLEY, OREGON
KIRSTEN GULIBRAYD, NEW YORK

JAMES M INHOFE, DREAHOMA DAND HITTER LOUDIANA JOHN BARRASO, WYDMING JEFF SESSIONS, ALABAMA MISE CHAPO, IDAHO LAMAR ALEXANDER, TENVESSEE MISE JOHANNS, NEBHASKA JOHN BOOGMAN, ARAMSAS

BETTINA POIHIER, MAJORITY STAFF DIRECTOR BUTH VAN MARK, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

April 4, 2012

Al Armendariz Regional Administrator US Environmental Protection Agency Region 6 1445 Ross Ave. Suite 1200 Dallas, TX 75202

Dear Mr. Armendariz:

On behalf of the Senate Committee on Environment and Public Works, we invite you to testify before the Subcommittee on Children's Health and Environmental Responsibility at a hearing entitled, "Beyond Border 2012: Improving Border Environmental Quality." The hearing will be held on Wednesday, April 11, 2012, beginning at 10:00 AM in the Las Cruces Council Chambers at City Hall, located at 700 North Main Street in Las Cruces, NM. The purpose of this hearing is to evaluate the accomplishments of the Border 2012 program and examine the development of future border environmental programs as part of the Border 2020 program, including water infrastructure and cross-border environmental impacts, by drawing on the perspectives of federal, state, and local government officials and bi-national organizations involved in federal border environmental programs.

In order to maximize the opportunity to discuss this matter with you and other witnesses, we are asking that your oral testimony be limited to five minutes. Your written testimony can be comprehensive and will be included in the printed record of the hearing in its entirety, together with any other materials you would like to submit.

To comply with Committee rules, please provide 50 double-sided copies of your testimony at least 48 hours in advance of the hearing to the Senator Tom Udall's office at the following address: 201 N. Church St., Suite 201B, Las Cruces, NM 88001. To ensure timely delivery, the copies of testimony must be hand delivered. Please also email a copy of your testimony (in both MS Word and as a PDF file) to the attention of Jonathan Aronchick, Jonathan Aronchick@epw.senate.gov, at least 48 hours in advance. This email address will be used later to quickly finalize hearing transcripts.

If you plan to use or refer to any charts, graphs, diagrams, photos, maps, or other exhibits in your testimony, please deliver or send one identical copy of such material(s), as well as 100 reduced (8.5" x 11") copies to the Committee, attention of Jonathan Aronchick, Jonathan Aronchick@epw.senate.gov, at least 48 hours in advance of the hearing. Exhibits or other materials that are not provided to the Committee by this time cannot be used for the purpose of presenting testimony.

If you have any questions or comments, please feel free to contact Jason Albritton of the Committee's Majority staff at 202-224-8832, Elizabeth Fox of the Committee's Minority staff at 202-224-6176, Andrew Wallace of Senator Udall's staff at 202-224-6621, or Curtis Swager of Senator Alexander's staff at 202-224-4944.

Sincerely.

Tom Udall Chairman

Subcommittee on Children's Health and Environmental Responsibility

Sm U Dale

Lamar Alexander Ranking Member

Subcommittee on Children's Health and

Environmental Responsibility

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date:

Wednesday, April 04, 2012 04:54PM

Subject:

invite letter coming...

History:

This message has been replied to.

Soon. It's been signed, waiting on a pdf copy from EPW staff...

"Wallace, Andrew (Tom Udali)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date: Subject: Tuesday, April 03, 2012 04:20PM RE: Las Cruces Hearing Description

The official invites are handled by EPW, have not gone out yet, to clarify they could be tomorrow also, as the practice is at least 1 week ahead of time.

As usual there is a 48 hour deadline on the written testimony, so that would be Monday AM. I'll loop back with some potential questions by COB tomorrow and then we can discuss those following that point to ensure a productive discussion.

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Tuesday, April 03, 2012 12:16 PM

To: Wallace, Andrew (Tom Udall)

Subject: Re: Las Cruces Hearing Description

Hi Drew,

Has the invite gone out yet? Just wanted to check.

Best,

Laura

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 04/02/2012 10:37 PM GMT

To: Laura Gomez

Subject: Re: Las Cruces Hearing Description

You'll get a copy. They're either email or both. Just a form invite letter.

Andrew Wallace Sen. Tom Udall (NM) From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Monday, April 02, 2012 04:00 PM **To**: Wallace, Andrew (Tom Udali)

Subject: Re: Las Cruces Hearing Description

Drew,

Thank you for answering my questions and I apologize for one more.

Will this be sent via-email? If so will we receive a copy of what's being sent to EPA Region 6?

Best,

Laura

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 04/02/2012 02:55 PM GMT

To: Laura Gomez

Subject: RE: Las Cruces Hearing Description

Official invite letters will probably go out tomorrow

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Monday, April 02, 2012 10:53 AM **To:** Wallace, Andrew (Tom Udall)

Subject: Re: Las Cruces Hearing Description

Thank you Drew!

May I also have a copy of the invitation that was sent to EPA?

Regards,

Laura

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 04/02/2012 02:51 PM GMT

To: Laura Gomez

Subject: RE: Las Cruces Hearing Description

This is the short official description sent to the minority staff:

Purpose: The subcommittee will evaluate the accomplishments of the Border 2012 program and examine the development of future border environmental programs as part of the Border 2020 program, including water infrastructure and cross-border environmental impacts, by drawing on the perspectives of federal, state, and local government officials and bi-national organizations involved in federal border environmental programs.

I'll have questions over as soon as I can this week

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Monday, April 02, 2012 8:55 AM **To:** Wallace, Andrew (Tom Udall)

Subject: Las Cruces Hearing Description

Good Morning Drew.

Hope your weekend went well. Thank you again for meeting with me last week on such short notice.

I wanted to ask if it would be possible for you to give a written description of the hearing? It would be most helpful for us here on our end as we are preparing.

Also if you can share the questions that Sen. Udall intends to ask of EPA that would be helpful as well.

Best,

Laura

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 03/29/2012 05:59 PM GMT

To: Laura Gomez

Subject: RE: Possible Meeting

Sure, 430 works, we are in 110 Hart, near the Constitution Ave entrance

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Thursday, March 29, 2012 1:32 PM

To: Wallace, Andrew (Tom Udall)

Subject: Possible Meeting

Hi Andrew.

I'm in the neighborhood today and wanted to stop by and formally introduce myself.

Does 4:30 or 5 work for you?

Best,

Laura

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date: Subject: Monday, April 02, 2012 06:37PM Re: Las Cruces Hearing Description

History:

This message has been replied to.

You'll get a copy. They're either email or both. Just a form invite letter.

Andrew Wallace Sen. Tom Udall (NM) 202-224-6621

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Monday, April 02, 2012 04:00 PM **To**: Wallace, Andrew (Tom Udall)

Subject: Re: Las Cruces Hearing Description

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Laura
From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov] Sent: 03/29/2012 05:59 PM GMT To: Laura Gomez

Subject: RE: Possible Meeting

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From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Thursday, March 29, 2012 1:32 PM

To: Wallace, Andrew (Tom Udall) **Subject:** Possible Meeting

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Laura

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date: Subject: Monday, April 02, 2012 10:55AM RE: Las Cruces Hearing Description

History:

This message has been replied to.

Official invite letters will probably go out tomorrow

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Sent: 03/29/2012 05:59 PM GMT

To: Laura Gomez

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Sent: Thursday, March 29, 2012 1:32 PM

To: Wallace, Andrew (Tom Udall)

Subject: Possible Meeting

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Best,

Laura

From: To:	"Wallace, Andrew (Tom Udall)" <andrew_wallace@tomudall.senate.gov> Laura Gomez/DC/USEPA/US@EPA</andrew_wallace@tomudall.senate.gov>
Date: Subject:	Monday, April 02, 2012 10:51AM RE: Las Cruces Hearing Description
History:	This message has been replied to.
This is the	e short official description sent to the minority staff:
examine program the pers	: The subcommittee will evaluate the accomplishments of the Border 2012 program and the development of future border environmental programs as part of the Border 2020 in including water infrastructure and cross-border environmental impacts, by drawing on pectives of federal, state, and local government officials and bi-national organizations in federal border environmental programs.
I'll have	questions over as soon as I can this week
70 W 103	
Sent: Mo To: Walla	aura Gomez [mailto:Gomez.Laura@epamail.epa.gov] onday, April 02, 2012 8:55 AM ace, Andrew (Tom Udall) Las Cruces Hearing Description
Good Mo	orning Drew.
Honovo	ur weekend went well. Thank you again for meeting with me last week on such short

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Best,

notice.

Laura

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Sent: 03/29/2012 05:59 PM GMT

To: Laura Gomez

Subject: RE: Possible Meeting

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From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Thursday, March 29, 2012 1:32 PM

To: Wallace, Andrew (Tom Udall) **Subject:** Possible Meeting

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Best,

Laura

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To:

Laura Gomez/DC/USEPA/US@EPA

Date:

Thursday, March 29, 2012 01:59PM

Subject:

RE: Possible Meeting

History:

This message has been replied to.

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From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Thursday, March 29, 2012 1:32 PM

To: Wallace, Andrew (Tom Udall)

Subject: Possible Meeting

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Does 4:30 or 5 work for you?

Best,

Laura

"Wallace, Andrew (Tom Udali)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date:

Tuesday, March 27, 2012 06:49PM

Subject:

Epa witness

History:

This message has been replied to and forwarded.

Sen. Udall would prefer the RA. He asked me to see about some other ways to engage EPA HQ such as written testimony and/or follow up meeting with him in DC. Also curious what EPA's plan is for the rollout of Border 2020 in August.

Andrew Wallace Sen. Tom Udall (NM)

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date:

Monday, March 26, 2012 04:06PM

Subject:

checking in

Hi Laura,

Checking in to see what witness from EPA HQ would be available for the NM field hearing. Committee staff would really like to know today. Thanks for all your help.

-Drew

Andrew G. Wallace

Senior Policy Advisor

Sen. Tom Udall (NM)

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date: Subject: Thursday, March 22, 2012 03:39PM RE: border environment hearing

Sure, no problem

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Thursday, March 22, 2012 3:39 PM

To: Wallace, Andrew (Tom Udall)

Subject: Re: border environment hearing

Sure Andrew.

Is it possible to move the call till 4:15. My meeting is running over.

The number is

Code:

Best, Laura

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 03/22/2012 07:35 PM GMT

To: Laura Gomez

Subject: RE: border environment hearing

Hi Laura, the EPW Majority folks may join the call, Grant Cope and Jason Albritton. Can you do a conf line, or should I set one up? Thanks

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Wednesday, March 21, 2012 4:27 PM

To: Wallace, Andrew (Tom Udall)

Subject: Re: border environment hearing

Hi Andrew.

Apologies for the late reply. Things have been a hectic over here.

Let's talk on Tomorrow. Around 4 pm, does that work for you? If so I'll be at my desk.

Best,

Laura

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 03/19/2012 08:05 PM GMT

To: Laura Gomez

Subject: RE: border environment hearing

Thanks Laura, Thursday could work for a briefing/discussion, but I would like to get the witnesses process going before then, since Wed will be 3 weeks until the hearing.

Right now our intent is to invite both Asst. Admin. DePass and Reg. 6 Administrator Armendariz to testify, given the important responsibilities both have for setting and implementing border environmental policy and programs. I'm checking w/ Reg. 6 on their end, can you determine if AA DePass would be available?

For Thursday, we have Admin. Jackson testifying at the EPW hearing on the EPA budget at 10AM, but my afternoon is pretty open. Grant Cope would be joining w/ EPW majority staff.

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Monday, March 19, 2012 3:55 PM **To:** Wallace, Andrew (Tom Udall)

Subject: Re: border environment hearing

Hi Drew,

Thanks for your email. Right now I am in process of getting more information.

I agree that we should have a call this week so that I can give you and EPW staff an update. How

https://epamaildc33.epa.gov/mail/dc/k/lgomez.nsf/0/\$new/?OpenDocument&Form=s Prin... 3/29/2013

does this Thursday work? Let me know what times work for you.
Best,
Laura

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 03/16/2012 08:07 PM GMT

To: Laura Gomez

Subject: border environment hearing

Hi Laura,

Thanks again for the call this week. Were we able to get a broader briefing going for next week? If not, I think we still should have a quick call to discuss potential EPA witnesses with myself and the EPW committee staff. Thanks,

Drew

Andrew G. Wallace

Senior Policy Advisor

Sen. Tom Udall (NM)

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date: Subject: Thursday, March 22, 2012 03:35PM RE: border environment hearing

History:

* This message has been replied to.

Hi Laura, the EPW Majority folks may join the call, Grant Cope and Jason Albritton. Can you do a conf line, or should I set one up? Thanks

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Wednesday, March 21, 2012 4:27 PM

To: Wallace, Andrew (Tom Udall)

Subject: Re: border environment hearing

Hi Andrew.

Apologies for the late reply. Things have been a hectic over here.

Let's talk on Tomorrow. Around 4 pm, does that work for you? If so I'll be at my desk.

Best,

Laura

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 03/19/2012 08:05 PM GMT

To: Laura Gomez

Subject: RE: border environment hearing

Thanks Laura, Thursday could work for a briefing/discussion, but I would like to get the witnesses process going before then, since Wed will be 3 weeks until the hearing.

Right now our intent is to invite both Asst. Admin. DePass and Reg. 6 Administrator Armendariz to testify, given the important responsibilities both have for setting and implementing border environmental policy and programs. I'm checking w/ Reg. 6 on their end, can you determine if AA DePass would be available?

For Thursday, we have Admin. Jackson testifying at the EPW hearing on the EPA budget at 10AM, but my afternoon is pretty open. Grant Cope would be joining w/ EPW majority staff.

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Monday, March 19, 2012 3:55 PM **To:** Wallace, Andrew (Tom Udall)

Subject: Re: border environment hearing

Hi Drew,

Thanks for your email. Right now I am in process of getting more information.

I agree that we should have a call this week so that I can give you and EPW staff an update. How does this Thursday work? Let me know what times work for you.

Best,

Laura

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 03/16/2012 08:07 PM GMT

To: Laura Gomez

Subject: border environment hearing

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Drew

Andrew G. Wallace

Senior Policy Advisor

Sen. Tom Udall (NM)

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date: Subject: Wednesday, March 21, 2012 05:19PM RE: border environment hearing

Yep that works, thanks

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Wednesday, March 21, 2012 4:27 PM

To: Wallace, Andrew (Tom Udall)

Subject: Re: border environment hearing

Hi Andrew.

Apologies for the late reply. Things have been a hectic over here.

Let's talk on Tomorrow. Around 4 pm, does that work for you? If so I'll be at my desk.

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Laura

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 03/19/2012 08:05 PM GMT

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From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Monday, March 19, 2012 3:55 PM

To: Wallace, Andrew (Tom Udall)

Subject: Re: border environment hearing

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I agree that we should have a call this week so that I can give you and EPW staff an update. How does this Thursday work? Let me know what times work for you.

Best,

Laura

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 03/16/2012 08:07 PM GMT

To: Laura Gomez

Subject: border environment hearing

Hi Laura,

Thanks again for the call this week. Were we able to get a broader briefing going for next week? If not, I think we still should have a quick call to discuss potential EPA witnesses with myself and the EPW committee staff. Thanks,

Drew

Andrew G. Wallace

Senior Policy Advisor

Sen. Tom Udall (NM)

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date: Subject: Monday, March 19, 2012 04:06PM RE: border environment hearing

History:

This message has been replied to.

Thanks Laura, Thursday could work for a briefing/discussion, but I would like to get the witnesses process going before then, since Wed will be 3 weeks until the hearing.

Right now our intent is to invite both Asst. Admin. DePass and Reg. 6 Administrator Armendariz to testify, given the important responsibilities both have for setting and implementing border environmental policy and programs. I'm checking w/ Reg. 6 on their end, can you determine if AA DePass would be available?

For Thursday, we have Admin. Jackson testifying at the EPW hearing on the EPA budget at 10AM, but my afternoon is pretty open. Grant Cope would be joining w/ EPW majority staff.

From: Laura Gomez [mailto:Gomez.Laura@epamail.epa.gov]

Sent: Monday, March 19, 2012 3:55 PM **To:** Wallace, Andrew (Tom Udall)

Subject: Re: border environment hearing

Hi Drew,

Thanks for your email. Right now I am in process of getting more information.

I agree that we should have a call this week so that I can give you and EPW staff an update. How does this Thursday work? Let me know what times work for you.

Best,

Laura

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 03/16/2012 08:07 PM GMT

To: Laura Gomez

Subject: border environment hearing

Hi Laura,

Thanks again for the call this week. Were we able to get a broader briefing going for next week? If not, I think we still should have a quick call to discuss potential EPA witnesses with myself and the EPW committee staff. Thanks,

Drew

Andrew G. Wallace

Senior Policy Advisor

Sen. Tom Udall (NM)

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Gomez/DC/USEPA/US@EPA

Date: Subject: Friday, March 16, 2012 04:07PM border environment hearing

History:

* This message has been replied to.

Hi Laura,

Thanks again for the call this week. Were we able to get a broader briefing going for next week? If not, I think we still should have a quick call to discuss potential EPA witnesses with myself and the EPW committee staff. Thanks,

Drew

Andrew G. Wallace

Senior Policy Advisor

Sen. Tom Udall (NM)



{In Archive} Re: Senator Udall inquiry

McDowell, Amber (Tom Udall)

to:

David Gray

06/29/2011 10:53 AM

Cc:

Carolyn Levine

Hide Details

From: "McDowell, Amber (Tom Udall)" <Amber_McDowell@tomudall.senate.gov>

To: David Gray/R6/USEPA/US@EPA

Cc: Carolyn Levine/DC/USEPA/US@EPA

Archive: This message is being viewed in an archive.

Thank you. Please keep us posted!

Also, is there someone in particular in your office that I should be referring reporters to? Folks are asking for the best contact.

- Amber

From: "Gray.David@epamail.epa.gov" <Gray.David@epamail.epa.gov>

Date: Wed, 29 Jun 2011 10:41:58 -0400

To: "McDowell, Amber (Tom Udall)" <amber mcdowell@tomudall.senate.gov > Cc: "Levine.Carolyn@epamail.epa.gov" <Levine.Carolyn@epamail.epa.gov >

Subject: Re: Senator Udall inquiry

Greeting Amber,

Nice to meet you. I am happy to help out.

My understanding is that ASPECT is waiting for an DOE/state approved flight plan.

David

Re: Senator Udall inquiry

X

McDowell, Amber (Tom Udall)

to: David Gray

06/29/2011 09:23 AM

Hi David -

I work w/Drew Wallace in Senator Udall's office. Thanks for all of your help in getting the air quality monitoring information! We appreciate it.

I've got a reporter asking whether the ASPECT plane is currently flying over NM. Do you know what the current status is?

Thanks! Amber

```
On 6/28/11 7:09 PM, "Gray.David@epamail.epa.gov" <Gray.David@epamail.epa.gov> wrote:
```

>All - here are two pictures of the ASPECT aircraft.

>http://epa.gov/hurricanes/images/big/aspect_002.jpg<http://epa.gov/hurrica >nes/images/big/aspect_002.jpg>

>http://epa.gov/hurricanes/images/big/aspect_001.jpg<http://epa.gov/hurrica >nes/images/big/aspect_001.jpg>

>David Gray
>Director

>External and Government Affairs

>US EPA

>(214) 665-2200 office

>(214) 789-2619 mobile

>gray.david@epa.gov

<u>>S</u> ≥

>Sent from Blackberry

>---- Original Message ----

>From: "Wallace, Andrew (Tom Udall)" [Andrew Wallace@tomudall.senate.gov]

>Sent: 06/28/2011 06:05 PM AST

>To: David Gray; Carolyn Levine; "Padilla, Marissa (Tom Udall)"

><Marissa Padilla@tomudall.senate.gov>; "McDowell, Amber (Tom Udall)"

><Amber McDowell@tomudall.senate.gov>

>Subject: RE: Senator Udall inquiry

```
≥
2
>Thanks quys, including our communications team, Marissa and Amber.
>believe we've got some inquiries by some media looking for visuals as
>well to use. I've noticed some small pics of the ASPECT plane and the
>deployable monitors on the EPA website, but bet you guys have some bigger
>versions.
>I think 1 inquiry for visuals/facts has been from TV for tomorrow
>morning, but I'll let our press folks take over from here. Thanksagain
sfor all of EPA's help on this. Sen. Udall believes your efforts will be
>valuable in getting accurate info that the public will have confidence
>in. -Drew
>----Original Message----
>From: Gray.David@epamail.epa.gov [mailto:Gray.David@epamail.epa.gov]
>Sent: Tuesday, June 28, 2011 6:02 PM
>To: Levine.Carolyn@epamail.epa.gov
>Cc: Wallace, Andrew (Tom Udall)
>Subject: Re: Senator Udall inquiry
>Greetings - I hope everyone is well. Let me see what I can do. Timing?
>David
>
>David Gray
>Director
>External and Government Affairs
>US EPA
>(214) 665-2200 office
>(214) 789-2619 mobile
>gray.david@epa.gov
>Sent from Blackberry
<u>></u> .
≥
     ---- Original Message -----
  From: Carolyn Levine
   Sent: 06/28/2011 05:58 PM EDT
   To: David Gray
    Cc: "Wallace, Andrew (Tom Udall)"
><Andrew Wallace@tomudall.senate.gov>
    Subject: Re: Senator Udall inquiry
>hi David,
>I am cc'ing Drew Wallace from Senator Udall's office. Do we have a list
>of all the EPA assets we have/will deploy -- ASPECT, OSCs, hand help
>monitors, etc. The Senator wants to be able to respond to variousmedia
>inquiries regarding federal, state and local responses.
2
<u>≥</u>
>Carolyn Levine
>U.S. EPA
>Office of Congressional
>& Intergovernmental Relations
>Phone: (202) 564-1859
>FAX: (202) 501-1550
≥
```



{In Archive} RE: update Wallace, Andrew (Tom Udall)

to:

David Gray

06/30/2011 01:20 PM

Cc:

Arvin Ganesan, Carolyn Levine

Hide Details

From: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To: David Gray/R6/USEPA/US@EPA

Cc: Arvin Ganesan/DC/USEPA/US@EPA, Carolyn Levine/DC/USEPA/US@EPA

Archive: This message is being viewed in an archive.

1 Attachment



image001.gif

Great thanks. Just received an update from LANL, says ASPECT flew the lab "perimeter" and that there was "no detectable activity."

An FYI, here is an example of the concerns circulating in the community by Concerned Citizens for Nuclear Safety. As you can see at the end they are paying very close attention to the monitoring and will be looking closely at the data, etc., so that's why this is so important for the Senator to be up to speed on as this unfolds. (The monitoring group discussed below was formed following the last forest fire that touched on LANL property). Sen. Udall is going to be at the daily LANL press conference today and attending a public meeting tonight w/ probably several hundred evacuated and neighboring citizens.

From: Concerned Citizens for Nuclear Safety [mailto:ccns@nuclearactive.org]

Sent: Thursday, June 30, 2011 1:09 AM

To: Update 21 - Congress

Subject: 10:50 pm 6/29/11 Update - Las Conchas Fire on LANL property

Good evening,

- * One of the most poignant statements made today was "you can't protect yourself after it happens." It brings to mind others, such as "Hindsight is 20/20" and "An ounce of prevention is worth a pound of cure." The Las Conchas fire is on LANL property. We repost our message from Monday night -
- 3. People in surrounding communities should prepare to evacuate; gas up your vehicles now. **Pregnant women** and families with small children should take a precautionary step and evacuate now.

Apparently this afternoon LANL started a backburn at Technical Area 16 (TA-16) in the southwest corner of the LANL property. It is an area that has been used for testing (blowing up) high explosives, uranium and depleted uranium since the early days of LANL operations in 1943. In 1979 LANL reported that "An estimated 100,000 kilograms (220,000 pounds) of natural and depleted uranium have been used in dynamic experiments during the history of LANL. Most of this is distributed over the soil around the experimental areas on Laboratory property." p. 4-43. It cites a 1974 report by W. C. Hanson entitled "Ecological Considerations of Depleted Uranium Munitions," Los Alamos Scientific Laboratory Report LA-5559. We don't know the number of pounds of natural and depleted uranium that have been blown up since 1979. Dioxins and furans have been found at elevated levels in soils at TA-16.

On Monday night we wrote:

Our main concern is that the Las Conchas fire is about 3 1/2 miles from Area G, the dumpsite that has been in operation since the late 1950s/early 1960s. There are 20,000 to 30,000 55-gallons drums of plutonium contaminated waste (containing solvents, chemicals and toxic materials) sitting in fabric tents above ground. These drums are destined for WIPP.

In response to the claims that the 55-gallon drums stored in the fabric tents contain low-level waste, we offer the following:

The waste is transuranic waste, meaning it contains contaminants heavier than uranium on the periodic table, including plutonium. It is not low-level radioactive waste. If it were low-level radioactive waste, in the U.S. it could be buried in shallow trenches. Los Alamos National Laboratory has buried low-level radioactive waste in unlined pits, trenches and shafts in the volcanic tuff for decades. Transuranic waste requires disposal in a deep geologic repository, such as the Waste Isolation Pilot Plant (WIPP), located 26 miles of Carlsbad, New Mexico. WIPP disposes of waste from defense-related activities only. The costs of burying transuranic waste in this manner is costing billions of taxpayer dollars.

** You can see **maps of the fire** on the Cultural Energy website at < http://www.culturalenergy.org/images/conchas29jun11.jpg

A message from Robin Collier, of Cultural Energy: "They finally have posted Progression & Fire Line maps on InciWeb. We have posted cropped version on our LANL page. Here also is the larger google perimeter map with all the parts now. < http://www.culturalenergy.org/images/conchas29jun11.jpg and < http://www.culturalenergy.org/lanl.htm>

Thank you Robin.

**** Also, the **KSFR-FM 101.1** Radio Antenna located on the Pajarito Mountain has been impacted by the fire. They live stream on the internet at http://www.ksfr.org/

***** Please see the attached fact sheet by The Reverend Holly Beaumont, one of the Las Mujeres Hablan, about **Bechtel Enterprises**, the manager of LANL. She testified at three of the four hearings

about the proposed new, shiny nuclear bomb factory at LANL, called the Chemistry & Metallurgy Research Replacement Project - Nuclear Facility, during the week of May 23, 2011. The fact sheet is entitled "Who Is Running LANL?" Thank you Holly for putting this excellent piece together for us this evening.

****** This just in from Sheri Kotowski, Embudo Valley Environmental Monitoring Group. Thank you Sheri.

A11,

Here is the update on regional air monitoring for the Las Conchas Fire. I'm happy to say that DOE and NMED Oversight, with EVEMG's assistance, have coordinated emergency regional air monitoring at the following locations:

Embudo Clinic, Rinconada
Embudo Valley Community Library, Dixon
El Valle at the office of La Jicarita News
2 locations in Taos, 1 at Holy Cross Hospital
Chimayo, across the road from El Santuario
Las Vegas, office of the New Mexico Environment Department

The monitoring is being done with high volume sampling equipment supplied very quickly by EPA, that is designed to collect a large amount of particulate in a short period of time. Each station will collect a 24 hour samples on a polypropylene filter. There will be a series of samples taken through out the duration of the fire. The exposed filter will be removed from the equipment and taken to a lab where it will be scanned immediately and the alpha and beta radioactivity will be counted. The filter will then be divided and one part will be sent to Paragon Analytical Laboratory in Colorado. There it will be chemically analyzed for the following constituents:

Isotopic plutonium
Isotopic uranium
Strontium
Americium
Beryllium
Heavy metals

In addition to this analyses EVEMG has requested analyses for PCB's and high explosives. This request is based contamination generated by legacy and on-going activities at LANL.

NMED Oversight continues to change out perimeter air samples on a daily basis. These samples will go through the same analytical process.

Results from all regional (including perimeter) samples will be available in approximately seven days from collection date. NMED is preparing a webpage for data collected from the Las Conchas Fire. I will let everyone know when I know exactly where they can find it on the internet.

The ASPECT air craft went up this afternoon. I will let you all know when and where you will be able to access the data. I'm also still checking on how to get data from LANL air monitors.

AND it rained up in Taos early this evening and a little bit in Dixon!

Many thanks for all the help and willingness to get the samplers located and set up. And for the support.

Take care,

Sheri Kotowski EVEMG s<u>erit@cybermesa.com</u> 505 579 4076

From: Gray.David@epamail.epa.gov [mailto:Gray.David@epamail.epa.gov]

Sent: Thursday, June 30, 2011 1:11 PM

To: Wallace, Andrew (Tom Udall)

Cc: Ganesan.Arvin@epamail.epa.gov; Levine.Carolyn@epamail.epa.gov

Subject: RE: update

Drew - Here are answers to your questions.

1. Is the EPA plane monitoring the airspace above the lab, especially Area G? (there are concerns about a no-fly zone)

State Department of Homeland Security and Emergency Response, in consultation with others, is determining the flight plan for the ASPECT based on the location of fires, population and wind direction. Yesterday's flight plan was limited due to other firefighting aircraft in the area. The approved flight plan did not include areas within the 'no-fly' zone.

2. What have the results of EPA monitoring flights shown so far? (ABC seemed to report yesterday that nothing unusual had been detected)

Initial monitoring data has been provided to New Mexico Department of Environmental Quality officials for review. No determination from ASPECT data has been announced publically.

3. Will EPA publish these results or are these turned to over to NMED? (fine either way, just curious)

Monitoring data is being provided to NMED and other state officials at the EOC. NMED is the lead for releasing environmental data and will post it on the state's incident website.

4. How exactly are the sites for the ground monitors being determined? (below says "identified by DOE/state officials", if those monitoring sites are being decided by DOE, that's going to raise questions w/ people who are inclined to doubt NNSA/LANL statements, obviously since its DOE property I assume there are conversations with them)

New Mexico Environmental Department, in consultation with others, is establishing and securing permission at sites for mobile monitors based on nearby and downwind populations.

RE: update

to: David Gray

06/30/2011 11:31 AM

Cc: Carolyn Levine, Arvin Ganesan

Please call before 130PM ET, thanks, Drew

From: Wallace, Andrew (Tom Udall)
Sent: Thursday, June 30, 2011 10:10 AM

To: 'Gray.David@epamail.epa.gov'

Cc: Levine.Carolyn@epamail.epa.gov; 'Ganesan.Arvin@epamail.epa.gov'

Subject: RE: update

Hi folks, thanks again for all of EPA's help on this. Sen. Udall is continuing travelling/meeting in areas around Los Alamos today and will be dealing with constituents/media/groups who are very concerned about radiation releases (again, we have no reason to believe anything like that has occurred since the fire has been kept of the lab property to this point). We realize the state is leading the response, but the Senator wants the specifics on the federal efforts supporting that. Here are some of the questions we anticipate today:

- 1. Is the EPA plane monitoring the airspace above the lab, especially Area G? (there are concerns about a no-fly zone)
- 2. What have the results of EPA monitoring flights shown so far? (ABC seemed to report yesterday that nothing unusual had been detected)
- 3. Will EPA publish these results or are these turned to over to NMED? (fine either way, just curious)
- 4. How exactly are the sites for the ground monitors being determined? (below says "identified by DOE/state officials", if those monitoring sites are being decided by DOE, that's going to raise questions w/ people who are inclined to doubt NNSA/LANL statements, obviously since its DOE property I assume there are conversations with them)

Thanks! I'm happy to talk w/ EPA on-scene folks real quick if there are details to talk through. My direct is 4-6283

Arvin, just keeping you in the loop, I know EPA's got a hearing at EPW today, but Sen. Udall is back in NM and EPA is providing great value there.

From: Gray.David@epamail.epa.gov [mailto:Gray.David@epamail.epa.gov]

Sent: Thursday, June 30, 2011 6:37 AM

To: Wallace, Andrew (Tom Udall)

Cc: McDowell, Amber (Tom Udall); Levine.Carolyn@epamail.epa.gov

Subject: Re: update

All -

In looking at my BB this am, I can't tell if this update was delivered. It bounced back to me as undeliverable on our blackberry email system. I am resending to the group - just in case.

David

Drew,

Here is a quick update.

ASPECT did fly today. The flight plan was modified as to not interfere with aerial firefighting operations.

In support of the state lead response, EPA has deployed several mobile air monitors at locations identified by DOE/state officials. Additional monitors arrived today from Las Vegas and will be deployed as more locations are confirmed by state officials.

David

David Gray
Director
External and Government Affairs
US EPA

Sent from Blackberry

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 06/29/2011 11:42 AM AST

To: David Gray

Cc: "McDowell, Amber (Tom Udall)" <Amber_McDowell@tomudall.senate.gov>; Carolyn Levine

Subject: RE: update

Thanks David. Senator Udall is (or about to be) at a USFS event in NM w/ Sec. Vilsack re: the fire now, so there are a lot of folks there and needed to get him some timely info. The credibility of monitoring is very important as some anti-nuclear groups are making some strong and we believe inaccurate claims about the situation, but the Senator (and public) also want to have an independent eye on the situation and we think EPA has good credibility in NM in this regard.

From: Gray.David@epamail.epa.gov [mailto:Gray.David@epamail.epa.gov]

Sent: Wednesday, June 29, 2011 11:23 AM

To: Wallace, Andrew (Tom Udall)

Cc: McDowell, Amber (Tom Udall); Levine.Carolyn@epamail.epa.gov

Subject: RE: update

I believe the statement is accurate.

RE: update

Wallace, Andrew (Tom Udall)

to: Carolyn Levine, David Gray

06/29/2011 09:56 AM

Cc: "McDowell, Amber (Tom Udall)"

Ok, David also told us ASPECT is waiting for a flight plan from state/DOE. I think the anxious constituents and media folks just want to know (and will ask the Senator in his daily travels)—is the plane flying? are the monitors on site? (and then, how many, where) Is it safe for the Senator to say: "it is my understanding that" 1. the plane will fly today and 2. monitors will be there today. We'll leave the details to state/EPA.

----Original Message----

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Wednesday, June 29, 2011 10:49 AM

To: Wallace, Andrew (Tom Udall)

Subject: Re: update

hi Drew-

the state press release that I sent earlier outlines the coordinated efforts. We are supporting the state, so I can try to separate EPA's efforts, but it is a state lead effort.

Carolyn Levine U.S. EPA Office of Congressional & Intergovernmental Relations Phone: (202) 564-1859 FAX: (202) 501-1550

From: "Wallace, Andrew (Tom Udall)"

<Andrew Wallace@tomudall.senate.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

Date: 06/29/2011 10:30 AM

Subject: update

Hi Carolyn, just checking in for the latest update on the EPA monitoring efforts. Anything you can share about the ground and air based

monitoring? Thanks!



{In Archive} thanks and follow up Wallace, Andrew (Tom Udall) to: David Gray, Carolyn Levine

Cc: Arvin Ganesan

07/07/2011 09:45 AM

History:

This message has been replied to and forwarded.

Archive:

This message is being viewed in an archive.

Hi folks, wanted to loop back and again express our thanks for EPA's efforts re: air monitoring during the Las Conchas fire near Los Alamos National Lab. (the town evacuation was lifted earlier this week and the lab re-opened yesterday). Also thanks to you both specifically for being responsive to our office. When the Senator got back to DC this week, he told me how important and helpful it was for New Mexicans that EPA was there assisting the state.

Only 1 question on this so far this week: the state's monitoring webpage shows data up until July 2—was that the last day ASPECT flew in NM, or should we expect to see any more data results? Thanks again, and let me know if there is anything Sen. Udall can do to help thank/recognize the EPA's efforts.

-Drew

Andrew G. Wallace Senior Policy Advisor Sen. Tom Udall (NM) 110 Hart Senate Office Building Washington, D.C. 20510



{In Archive} RE: Senator Udall inquiry

David Gray, Carolyn Levine,

Wallace, Andrew (Tom Udall) to: McDowell, Amber (Tom Udall)

07/01/2011 10:15 AM

Archive:

This message is being viewed in an archive.

Thanks guys. Like the data presentation in the maps. Let us know if there is anything more during the day. the N. NM delegation is doing fire briefings/tours/meeting w/ constits today, and the daily 12pmMT/2pmET press conf in Los Alamos.

----Original Message----

From: David Gray [mailto:Gray.David@epamail.epa.gov]

Sent: Thursday, June 30, 2011 8:39 PM

To: Wallace, Andrew (Tom Udall); Carolyn Levine; Padilla, Marissa (Tom Udall); McDowell, Amber (Tom

Udall)

Subject: Re: Senator Udall inquiry

Looping in your comms team

Drew,

NMED has just posted the first ASPECT data on their website http://www.nmenv.state.nm.us . The survey did not show any hazardous levels.

David

David Gray Director External and Government Affairs US EPA

Sent from Blackberry



{In Archive} RE: 8/3 SEPW hearing

Wallace, Andrew (Tom Udall) to: Carolyn Levine, Cope, Grant (EPW)

07/25/2011 02:57 PM

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

Yes, looking at Aug. 3 in the afternoon. Maybe we can get on the phone this PM and talk thru it. Grant--thoughts on how to proceed?

----Original Message----From: Carolyn Levine [

mailto:Levine.Carolyn@epamail.epa.gov]
Sent: Monday, July 25, 2011 11:58 AM

To: Wallace, Andrew (Tom Udall)

Subject: 8/3 SEPW hearing

hi Drew,

I was out Thursday and Friday, so I wanted to check in to see if you were still planning a hearing next week-- cleanup of uranium mine and milling operations?? If so, can we chat a bit about the scope, etc.?

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550



{In Archive} RE: Wednesday SEPW T&I hearing re: Yellowstone oil spill Wallace, Andrew (Tom Udall) to: Carolyn Levine 07/19/2011 05:27 PM

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

Sure, he's got some other competing events, so I do not expect him to attend. Good luck $\ensuremath{w/}$ the hearing

----Original Message----

From: Carolyn Levine [

mailto:Levine.Carolyn@epamail.epa.gov] Sent: Tuesday, July 19, 2011 5:23 PM

To: Wallace, Andrew (Tom Udall)

Subject: Wednesday SEPW T&I hearing re: Yellowstone

oil spill

hi Drew,

I hope you're doing well. I wanted to check in to see if your boss was planning to attend tomorrow SC hearing on the Yellowstone (MT) oil spill, and if so, if there are any particular Qs or issues of concern? thanks!

Carolyn Levine

U.S. EPA/Office of Congressional Affairs

(202) 564-1859

FAX: (202) 501-1550



{In Archive} questions Wallace, Andrew (Tom Udall)

to:

Crowell, Brad, 'Weil, Jenny', Carolyn Levine 10/05/2011 03:43 PM

Hide Details

From: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To: "Crowell, Brad" <Brad.Crowell@Hq.Doe.Gov>, "'Weil, Jenny'" <Jenny.Weil@nrc.gov>, Carolyn Levine/DC/USEPA/US@EPA

History: This message has been replied to and forwarded. Archive: This message is being viewed in an archive.

Heads up on a few more questions that may come up:

The UNC Tailings Spill—has it been cleaned up, how long did it take? (this is when a tailings pile broke through its containment and spilled into the Rio Puerco river in July 1979, the largest accidental release of radioactivity in US history)

Hardrock mining proposal in President's budget, which would set fees/royalties on hardrock mining and some revenue would be for abandoned mine cleanup. Could this proposal help with funding and speed up cleanup of abandoned uranium mines?

General questions about how many mines, wells, and homes that have been screened.



{In Archive} Meeting Request Lyman, Jeanette (Tom Udall)

to:

Arvin Ganesan

05/25/2011 03:33 PM

Cc:

Greg Spraul, Carolyn Levine

Hide Details

From: "Lyman, Jeanette (Tom Udall)" < Jeanette Lyman@tomudall.senate.gov>

To: Arvin Ganesan/DC/USEPA/US@EPA

Cc: Greg Spraul/DC/USEPA/US@EPA, Carolyn Levine/DC/USEPA/US@EPA

History: This message has been forwarded.

Archive: This message is being viewed in an archive.

5 Attachments











image001.gif image002.gif image003.gif image004.gif image005.gif

Hello Arvin, Greg, and Carolyn,

Our office is working with the EPW Committee on the idea of holding a hearing on uranium cleanup and new mining in the Subcommittee on Children's Health and Environmental responsibility. Nothing is set at this point, but as we continue to consider the idea, we wanted to reach out to you to try to set up a meeting where Senator Udall's staff and a couple of staff from the EPW Committee could get an update from you on the 5-year uranium cleanup plans in both regions 9 and 6, and also an overview of the EPW's role in new uranium mine leasing/monitoring, especially insitu-leach mining.

If you are willing to sit down with us, the end of next week or the end of the week of the 6 would probably work. If we could also get someone from regions 9 and 6 conferenced in on the phone, that would be great too. Thanks,

Jeanette

Jeanette Lyman Legislative Assistant Office of Senator Tom Udall Connect with Tom at tomudall.senate.gov





{In Archive} RE: Senator Udall inquiry

David Gray, Carolyn Levine, Wallace, Andrew (Tom Udall) to: Padilla, Marissa (Tom

Udall), McDowell, Amber

06/28/2011 06:05 PM

This message is being viewed in an archive.

Thanks guys, including our communications team, Marissa and Amber. I believe we've got some inquiries by some media looking for visuals as well to use. I've noticed some small pics of the ASPECT plane and the deployable monitors on the EPA website, but bet you guys have some bigger versions.

I think 1 inquiry for visuals/facts has been from TV for tomorrow morning, but I'll let our press folks take over from here. Thanks again for all of EPA's help on this. Sen. Udall believes your efforts will be valuable in getting accurate info that the public will have confidence in. -Drew

----Original Message----

From: Gray.David@epamail.epa.gov [mailto:Gray.David@epamail.epa.gov] Sent: Tuesday, June 28, 2011 6:02 PM To: Levine.Carolyn@epamail.epa.gov Cc: Wallace, Andrew (Tom Udall) Subject: Re: Senator Udall inquiry

Greetings - I hope everyone is well. Let me see what I can do. Timing?

David

David Gray Director External and Government Affairs US EPA

Sent from Blackberry

---- Original Message -----

From: Carolyn Levine

Sent: 06/28/2011 05:58 PM EDT

To: David Gray

Cc: "Wallace, Andrew (Tom Udall)" <Andrew Wallace@tomudall.senate.gov> Subject: Re: Senator Udall inquiry hi David,

I am cc'ing Drew Wallace from Senator Udall's office. Do we have a list of all the EPA assets we have/will deploy -- ASPECT, OSCs, hand help The Senator wants to be able to monitors, etc. respond to various media

inquiries regarding federal, state and local responses.

Carolyn Levine U.S. EPA

Office of Congressional & Intergovernmental Relations

Phone: (202) 564-1859 FAX: (202) 501-1550



{In Archive} RE: 1 quick question Wallace, Andrew (Tom Udall) to: Carolyn Levine

06/28/2011 05:37 PM

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

#s to try for Kevin Gardner, Gov. Martinez's COS:

----Original Message----

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov] Sent: Tuesday, June 28, 2011 4:26 PM

To: Wallace, Andrew (Tom Udall) Subject: RE: 1 quick question

great-thanks!

Carolyn Levine

U.S. EPA Office of Congressional & Intergovernmental Relations

Phone: (202) 564-1859 FAX: (202) 501-1550

From:

"Wallace, Andrew (Tom Udall)"

<Andrew Wallace@tomudall.senate.gov>

To:

Carolyn Levine/DC/USEPA/US@EPA

Date:

06/28/2011 04:20 PM

Subject:

RE: 1 quick question

Thanks! FYI--Sen. Udall mentioned the EPA plane on CNN, no details, just his same point about multiple levels of monitoring. He is very appreciative of what the agency is doing so please convey his thanks to the EPA folks working out there and in HQ on this. Our main contact for the state in this incident is the Gov's chief of staff. working on seeing if our folks want to hand out his info (I don't have it on hand) . . . his name is Keith Gardner

----Original Message----

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov] Sent: Tuesday, June 28, 2011 4:15 PM To: Wallace, Andrew (Tom Udall)

Subject: RE: 1 quick question

The flight plan was still being determined and may

fly today. The overflight will include area G waste storage to generate a baseline for that area should fires ever reach it later. I will keep you posted as we get more definitive information.

Carolyn Levine U.S. EPA Office of Congressional & Intergovernmental Relations Phone: (202) 564-1859

From: "Wallace, Andrew (Tom Udall)"

<Andrew_Wallace@tomudall.senate.gov>

To: Carolyn

Levine/DC/USEPA/US@EPA

FAX: (202) 501-1550

Date: 06/28/2011 03:55 PM

Subject: RE: 1 quick question

Thanks, do we have any info on where it will be flying--assume a focus on the area near the lab, but how broad an area?

----Original Message---From: Levine.Carolyn@epamail.epa.gov [
mailto:Levine.Carolyn@epamail.epa.gov]
Sent: Tuesday, June 28, 2011 3:50 PM
To: Wallace, Andrew (Tom Udall)

Subject: RE: 1 quick question

Hi Drew-

here is information on ASPECT if you don't have it already:
http://www.epa.gov/NaturalEmergencies/flyinglab.htm#a
spect
We sent information to Nick Piatek with NM Department
of Homeland
Security & Emergency Management (state). I also sent
a quick email to
Jeffrey Berger with LANL. If you have any other
contacts let me know.
We hope to hear back shortly.

Carolyn Levine
U.S. EPA
Office of Congressional
& Intergovernmental Relations
Phone: (202) 564-1859
FAX: (202) 501-1550

From:

"Wallace, Andrew (Tom Udall)"

<Andrew Wallace@tomudall.senate.gov>

To:

Carolyn Levine/DC/USEPA/US@EPA

Date:

06/28/2011 03:11 PM

Subject:

RE: 1 quick question

Carolyn, thanks again for the info. There was a press conf. @ Los Alamos emergency ops center today, and Sen. Udall mentioned the EPA monitors. Please keep us in the loop on the progress there. -Drew

http://www.abqjournal.com/main/2011/06/28/abqnewsseeker/los-alamos-evacuation-ordered-due-to-wildfire.html

12:43 p.m. U.S. Sen. Tom Udall said at a noon press conference that he has asked the federal Environmental Protection Agency to monitor air quality as a result of community concerns about smoke from the wildfire threatening Los Alamos and its national laboratory that works with radioactive materials.

Udall said he knows people in the region are "concerned about what's in the smoke" from Las Conchas wildfire burning near Los Alamos National Laboratory. Udall said he doesn't question the lab's own air monitoring systems but that the with the EPA there would be three levels of oversight - state, lab and EPA - so that the public can be assured of having good information about air quality.

Lab director Charles McMillan said at the same news conference that as far as any problem releases from the fire, "there haven't been any."

"Let me say that again - there hasn't been any," McMillan said.

He reiterated that the Area G waste storage area is about two miles from the fire. He said he was confident that fire teams

can protect lab facilities, which he said have been the subject of extensive fire mitigation efforts since the 2000 Cerro Grande fire that burned through Los Alamos.

The only fire on the labs site so far was an acre blaze on Monday in Water Canyon on Technical Area 49, McMillan said, which has since been extinguished.

No structures have been lost in the wildfire, according to Los Alamos County Fire Chief Doug Tucker, and firefighters are prepping Pajarito and Los Alamos canyons as a preventative measure.

Crews fought spot fires on the Pajarito Ski Hill last night, and flames near the lodge are now extinguished.

"If the winds stay, we're OK," Tucker said. "Things are looking good."

Winds could easily change, however, he said, and there is the potential for the fire to move toward Jemez. Tucker said the fire could still grow to twice or three times its current size. Tucker will update the public again at 6 p.m. on the wildfire and the endangered canyons.

----Original Message---From: Levine.Carolyn@epamail.epa.gov [
mailto:Levine.Carolyn@epamail.epa.gov]
Sent: Tuesday, June 28, 2011 11:18 AM
To: Wallace, Andrew (Tom Udall)
Subject: Re: 1 quick question

other pollutants, I will try to get the details.

Carolyn Levine U.S. EPA Office of Congressional & Intergovernmental Relations Phone: (202) 564-1859 FAX: (202) 501-1550

From:

Carolyn Levine/DC/USEPA/US@EPA Date:

06/28/2011 11:13 AM Subject:

1 quick

question

Are the EPA monitoring assets RadNet only—i.e. only monitoring for radiation, or are they also monitoring for other hazardous air pollutants?

Many thanks!



{In Archive} Re: NM issues Wallace, Andrew (Tom Udall) to: Carolyn Levine

04/27/2009 10:28 PM

Archive:

This message is being viewed in an archive.

Thanks. Was aware of the san mateo sites and lanl but less clear on epa's role at lanl. But we'll save that for a q for the record or a later discussion.

---- Original Message -----

From: Levine.Carolyn@epamail.epa.gov <Levine.Carolyn@epamail.epa.gov> To: Wallace, Andrew (Tom Udall) Sent: Mon Apr 27 20:58:59 2009

Subject: NM issues

- 1. San Mateo Creek Watershed, New Mexico- historic uranium mining
 -- The EPA and the NRC are working together to cleanup two uranium sites
 listed on the National Priority List that are located in the San Mateo
 Creek Watershed, the Homestake Mining Company in Milan and the United
 Nuclear Corporation near Gallup.
- 2. Los Alamos National Laboratory (LANL)

 -The DOE will be receiving 2009 ARRA (\$215 million) for the demolition and decontamination (D&D) of Technical Area 21, which is one of the original areas of the Laboratory (Established in 1943).

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550

From: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Carolyn Levine/DC/USEPA/US@EPA

Date:

04/27/2009 12:49 PM

Subject:

RE: Q&A for tomorrow

there at the beginning for sure.

----Original Message----

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov] Sent: Monday, April 27, 2009 12:44 PM

To: Wallace, Andrew (Tom Udall) Subject: Re: Q&A for tomorrow

Yes re: uranium cleanup. will ypou bet at the EPW staff briefing/meeting with nominees @ 1:15?

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550

From: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

Date: 04/27/2009 12:35 PM

Subject: Q&A for tomorrow

Hi Carolyn,

For tomorrow, Senator Udall may raise the issue of uranium mining cleanup activities in NM/Navajo so that Mr. Stanislaus is aware of its importance to NM, especially given its multi-regional nature, but I would not expect him to raise any specific questions in this forum. If Mr. Stanislaus could be prepared to at least make some brief, general remarks about the cleanup that would be great, but we will not be expecting details or anything.

Are you aware of any other major OSWER actions in NM that we should be aware of? I think we only have a handful of Superfund sites but EPA oversight over the complex of DOE/lab/DOD &

associated cleanups is something that I will need to get more up to speed on. Thanks, Drew

Andrew G. Wallace Senior Policy Advisor Office of Senator Tom Udall (NM) 110 Hart Senate Office Building)



{In Archive} RE: H.R. 1398 Lyman, Jeanette to: Carolyn Levine

This message is being viewed in an archive.

04/10/2008 10:49 AM

Thanks Carolyn!

Jeanette Lyman Legislative Assistant Congressman Tom Udall 1410 Longworth House Office Building Washington, DC 20515

----Original Message----

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov] Sent: Thursday, April 10, 2008 10:45 AM

To: Lyman, Jeanette Subject: RE: H.R. 1398

hi Jeanette,

Yes, the comment period ended at the end of March. We are evaluating the comments received, and will be responding to/resolving the comments over the next few months. There is no date for finalization because it depends on resolution of all comments (which is part of the rulemaking process).

Carolyn Levine U.S. EPA Office of Congressional & Intergovernmental Relations (202) 564-1859 FAX: (202) 501-1550

> "Lyman, Jeanette" <Jeanette.Lyman@

То

mail.house.gov>

Carolyn

Levine/DC/USEPA/US@EPA

СC

04/10/2008 09:39

AM

Subject

RE: H.R. 1398

Thanks Carolyn,

That is really helpful. I understand the EPA proposed a rule relating to an exemption of animal waste emissions from EPCRA and CERCLA air quality reporting requirements. What is the status of the rule? Did the comment period end in March, and has there been any finalizing action?

Thanks so much for your help. Jeanette

Jeanette Lyman Legislative Assistant Congressman Tom Udall 1410 Longworth House Office Building Washington, DC 20515

----Original Message----

From: Levine.Carolyn@epamail.epa.gov [mailto:Levine.Carolyn@epamail.epa.gov] Sent: Wednesday, April 09, 2008 6:24 PM

To: Lyman, Jeanette Subject: H.R. 1398

I wanted to get back to you regarding your inquiry on H.R. 1398, the Agricultural Protection and Prosperity Act. Neither EPA nor the Administration has developed an official position on this legislation or the companion Senate version. Traditionally, EPA has opposed attempts to limit our statutory authorities to protect human health and the environment. Please let me know if you have additional questions.

thanks, Carolyn

Carolyn Levine

U.S. EPA
Office of Congressional & Intergovernmental Relations
(202) 564-1859

FAX: (202) 501-1550



{In Archive} RE: Fw: FYI-Advance news release: EPA enters into agreement with Chevron to investigate soil contamination at uranium mine on the Navajo Reservation

Lyman, Jeanette (Tom Udall) to: Carolyn Levine

08/02/2011 02:35 PM

Archive:

This message is being viewed in an archive.

Great, thanks

----Original Message----From: Carolyn Levine [

mailto:Levine.Carolyn@epamail.epa.gov} Sent: Tuesday, August 02, 2011 2:27 PM

To: Lyman, Jeanette (Tom Udall) Cc: Wallace, Andrew (Tom Udall)

Subject: RE: Fw: FYI-Advance news release: EPA enters

Cc: "Wallace, Andrew (Tom Udall)"

into agreement with Chevron to investigate soil contamination at uranium mine on the Navajo

Reservation

ok, thanks Jeanette!
We delivered the testimony earlier, so if you want to review that and let us know once the hearing is rescheduled if there is anything else that you want us to cover, we can do that.

Carolyn Levine

U.S. EPA/Office of Congressional Affairs

(202) 564-1859 FAX: (202) 501-1550

From:

"Lyman, Jeanette (Tom Udall)"

<Jeanette_Lyman@tomudall.senate.gov>

To:

Carolyn Levine/DC/USEPA/US@EPA,

"Wallace, Andrew (Tom

Udall)"

<Andrew Wallace@tomudall.senate.gov>

Date:

08/02/2011 02:24 PM

Subject:

RE: Fw: FYI-Advance news release:

EPA enters into agreement

with Chevron to investigate soil

contamination at uranium

mine on the Navajo Reservation

Carolyn,

The committee just sent notice that the hearing will be postponed.
We will keep you posted on the rescheduling, but it will be after the August recess.
Thanks,

Jeanette

```
----Original Message----
From: Carolyn Levine [
mailto:Levine.Carolyn@epamail.epa.gov]
Sent: Monday, August 01, 2011 11:30 AM
To: Wallace, Andrew (Tom Udall)
Cc: Lyman, Jeanette (Tom Udall)
Subject: Re: Fw: FYI-Advance news release: EPA enters
into agreement
with Chevron to investigate soil contamination at
uranium mine on the
Navajo Reservation
will do!
Any word on whether the hearing(s) might be
cancelled? We heard that
hearing were being cancelled/postponed b/c of
potential debt ceiling
vote?
Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550
                          "Wallace, Andrew (Tom
From:
Udall) "
            <Andrew Wallace@tomudall.senate.gov>
To:
                          "Lyman, Jeanette (Tom
Udall) "
            <Jeanette_Lyman@tomudall.senate.gov>
Cc:
                          Carolyn
Levine/DC/USEPA/US@EPA
                          08/01/2011 11:20 AM
Date:
                                Fw: FYI-Advance news
Subject:
release: EPA enters into
agreement with
            Chevron to investigate soil contamination
at uranium mine on
            the Navajo Reservation
Thank you Carolyn, please also include Jeanette on
any uranium/hearing
emails,
Drew
Andrew Wallace
Sen. Tom Udall (NM)
202-224-6621
---- Original Message -----
From: Carolyn Levine [
mailto:Levine.Carolyn@epamail.epa.gov]
Sent: Monday, August 01, 2011 11:17 AM
To: Wallace, Andrew (Tom Udall); Caputo, Annie (EPW);
```

Schatte, Conrad
(Alexander); Cope, Grant (EPW)
Cc: Raquel Snyder <Snyder.Raquel@epamail.epa.gov>
Subject: FYI-Advance news release: EPA enters into
agreement with
Chevron to investigate soil contamination at uranium
mine on the Navajo
Reservation

Hi all,

FYI, EPA Region 9 will be issuing this press release today. Please let Raquel or me know if you have any questions. Thanks

EPA enters into agreement with Chevron to investigate soil contamination

at

uranium mine on the Navajo

Reservation

SAN FRANCISCO -- The U.S. Environmental Protection Agency reached an agreement with Chevron USA Inc. to investigate radium-contaminated soil at the Mariano Lake Mine site, a former uranium mine located on the Navajo Nation near Gallup, New Mexico. The agreement is the latest result of an ongoing effort by EPA and Navajo Nation to address contamination from the legacy of uranium mining in the Navajo Nation.

Under the agreement, Chevron will conduct a radiological survey and sample radium-contaminated soil throughout the 31-acre Mariano Lake Mine site and surrounding area, including 10 residences and two nearby water wells. Chevron also agreed to pay EPA's oversight costs.

"This investigation is part of EPA's commitment to help the Navajo
Nation deal with the significant impacts of historic uranium mining,"
said Jared Blumenfeld, Administrator for the Pacific Southwest Region.
"We are working to make sure that every responsible party takes the steps needed to protect Navajo families from radioactive contamination."

Ben Shelly, Navajo Nation President, said, "On behalf of the communities in and around Mariano Lake, I extend my sincere appreciation for the agreement today between the U.S. EPA and Chevron. I

look forward to the data that will be generated in this investigation, and I respectfully request U.S. EPA to understand our desires for the most protective clean up plans that will help restore harmony in our communities and homes. This type of agreement will continue to help us as we work to correct the harmful legacy of past uranium mining and milling on the Navajo Nation."

EPA and the Navajo EPA will oversee field work, which will include construction of a fence and application of a sealant to contaminated soils where people live, work and play while the investigation is carried out. The order also requires Chevron to post signs, lock gates and prevent livestock from getting into areas of known contamination prior to cleanup.

The Mariano Lake Mine site operated as a uranium ore mine from approximately 1977 to 1982, and includes one 500-foot deep shaft, waste piles, and several surface ponds. Exposure to elevated levels of radium over a long period of time can result in anemia, cataracts, fractured teeth, and cancer, especially bone cancer.

Chevron is the fifth responsible party that EPA has required to take actions at former uranium mines on the Navajo Nation. EPA's work with Navajo Nation to identify and enforce against responsible parties is part of a 5-year plan to address the problem, which can be found at http://www.epa.gov/region9/superfund/navajo-nation/

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550



{In Archive} RE: Fw: FYI-Advance news release: EPA enters into agreement with Chevron to investigate soil contamination at uranium mine on the Navajo Reservation

Lyman, Jeanette (Tom Udall) to: Carolyn Levine, Wallace, Andrew (Tom Udall)

08/01/2011 11:42 AM

Archive:

This message is being viewed in an archive.

There is potential that the hearing could be postponed if the Senate adjourns early this week, but that is not at all certain, and we will keep you postponed.

----Original Message-----From: Carolyn Levine [

mailto:Levine.Carolyn@epamail.epa.gov]
Sent: Monday, August 01, 2011 11:30 AM

To: Wallace, Andrew (Tom Udall) Cc: Lyman, Jeanette (Tom Udall)

Subject: Re: Fw: FYI-Advance news release: EPA enters

into agreement with Chevron to investigate soil contamination at uranium mine on the Navajo

Reservation

will do!
Any word on whether the hearing(s) might be
cancelled? We heard that
hearing were being cancelled/postponed b/c of
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vote?

Carolyn Levine

U.S. EPA/Office of Congressional Affairs

(202) 564-1859

FAX: (202) 501-1550

From: "Wallace, Andrew (Tom Udall)"

<Andrew Wallace@tomudall.senate.gov>

To: "Lyman, Jeanette (Tom Udall)"

<Jeanette_Lyman@tomudall.senate.gov>

Cc: Carolyn Levine/DC/USEPA/US@EPA

Date: 08/01/2011 11:20 AM

Subject: Fw: FYI-Advance news release: EPA

enters into agreement with

Chevron to investigate soil contamination

at uranium mine on

the Navajo Reservation

Thank you Carolyn, please also include Jeanette on any uranium/hearing emails, Drew
Andrew Wallace

---- Original Message -----

From: Carolyn Levine [

mailto:Levine.Carolyn@epamail.epa.gov]
Sent: Monday, August 01, 2011 11:17 AM

To: Wallace, Andrew (Tom Udall); Caputo, Annie (EPW);

Schatte, Conrad

(Alexander); Cope, Grant (EPW)

Cc: Raquel Snyder <Snyder.Raquel@epamail.epa.gov>
Subject: FYI-Advance news release: EPA enters into

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Chevron to investigate soil contamination at uranium mine on the Navajo

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at

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Ben Shelly, Navajo Nation President, said, "On behalf of the communities in and around Mariano Lake, I extend my sincere appreciation for the agreement today between the U.S. EPA and Chevron. I look forward to the data that will be generated in this investigation, and I respectfully request U.S. EPA to understand our desires for the most protective clean up plans that will help restore harmony in our communities and homes. This type of agreement will continue to help us as we work to correct the harmful legacy of past uranium mining and milling on the Navajo Nation."

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Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550



RE: Region 9 Questions Lukens, Jeanette (Tom Udall)

to:

Carolyn Levine 04/11/2012 09:55 AM

Cc:

Brent Maier, Cynthia Fanning, Raquel Snyder

Hide Details

From: "Lukens, Jeanette (Tom Udall)" < Jeanette_Lukens@tomudall.senate.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

Cc: Brent Maier/R9/USEPA/US@EPA, Cynthia Fanning/R6/USEPA/US@EPA, Raquel Snyder/DC/USEPA/US@EPA

6 Attachments













image001.gif image002.gif image003.gif image004.gif image005.gif image006.gif

Thank you all

From: Carolyn Levine [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Tuesday, April 10, 2012 5:35 PM **To:** Lukens, Jeanette (Tom Udali)

Cc: Brent Maier; Cynthia Fanning; Raquel Snyder

Subject: Re: Region 9 Questions

hi Jeannette.

I am cc'ing my counterparts in both Region 9 (Brent) and Region 6 (Cynthia). We will work on responding to your questions.

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550 "Lukens, Jeanette (Tom Udall)" ---04/10/2012 05:06:04 PM---Carolyn, Could you help put me in touch with the appropriate person to answer the questions below

From: "Lukens, Jeanette (Tom Udall)" < <u>Jeanette Lukens@tomudall.senate.gov</u>>
To: Carolyn Levine/DC/USEPA/US@EPA
Date: 04/10/2012 05:06 PM
Subject: Region 9 Questions

Carolyn,

Could you help put me in touch with the appropriate person to answer the questions below about areas in Region 9?

- What is the status of the Black Falls area? (e.g. Are there multiple mine sites? A mill site? What is the cleanup status? What is the contamination level?
- I believe the Toh Haach'iid Spring in the Black Falls area, was closed or marked as having high levels of contamination, and water was trucked to the area?? Is that continuing? What is the status of the spring? Do the families in the area have access to clean water?
- Also in the Black Falls area, I believe there is an earthen dam stock pond that has significant contamination, and that residents would like closed up? You may need more details than that, but if we could get an update on what the situation with the pond, that would be great.

Thanks, Jeanette

Jeanette Lyman Lukens Legislative Assistant Office of Senator Tom Udall

Connect with Tom at tomudall.senate.gov

DALLUPDATE
enewsletter SIGN UP



RE: March 27 hearing Wallace, Andrew (Tom Udall)

Carolyn Levine 03/19/2012 05:09 PM

Hide Details

From: "Wallace, Andrew (Tom Udall)" < Andrew Wallace@tomudall.senate.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

History: This message has been replied to.

This one isn't our subcom—think it's on EPA/DoD partnership, Grant said he'd get back to you

From: Carolyn Levine [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Monday, March 19, 2012 4:47 PM

To: Wallace, Andrew (Tom Udall)

Subject: March 27 hearing

hi Drew,

I'm not sure if you've talked to anyone here about a hearing on March 27, but we just heard from Inhofe's office looking for EPA's witness. Do you have any info. on the subject and who you've talked to over hear?

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859

FAX: (202) 501-1550



{In Archive} RE: call
Wallace, Andrew (Tom Udall)

to:

Josh Lewis 06/28/2011 10:58 AM

Cc:

Arvin Ganesan, Carolyn Levine

Hide Details

From: "Wallace, Andrew (Tom Udall)" < Andrew_Wallace@tomudall.senate.gov>

To: Josh Lewis/DC/USEPA/US@EPA

Cc: Arvin Ganesan/DC/USEPA/US@EPA, Carolyn Levine/DC/USEPA/US@EPA

Archive: This message is being viewed in an archive.

Can I talk w/ someone real quick on this? I'm back at my desk, direct. I'm going to be speaking w/ Sen. Udall about this very soon, and our inclination would be to recommend a request for EPA RadNet assistance here, as in the 2000 fire. FYI, here is the latest news release from LANL:

News Release

8:30 a.m.

News Media Information: 505-820-1226

NR#15

Joint News Conference Scheduled for Noon MDT in Los Alamos

LOS ALAMOS, New Mexico June 28, 2011 - Los Alamos National Laboratory will participate in a joint news conference with Los Alamos County public safety officials at noon MDT today, June 28, at the news media staging area located at 20th and Trinity Drive. Latest LANL developments:

No fires burned on Lab property overnight

- The Lab announced it will remain closed on Wednesday, June 29.
- All nuclear and hazardous materials, including those at the Lab's principal waste storage site known as Area G, are accounted for and protected.
- LANL monitoring teams detected no releases of radiological or other contaminants.
- Water tanks at the Lab's wild land fire helicopter landing pad are re-filled in preparation for today's firefighting activities.
- LANL will support an aerial reconnaissance of the fire area during the morning.

To date, the Las Conchas fire has entered Lab property at only one remote

LANL technical area. Ground crews and air drops extinguished the one-acre spot fire at Technical Area 49 within hours on Monday afternoon.

The LANL meteorology team is closely watching wind and weather conditions as the fire makes its way through the Jemez Mountains outside the Lab's western boundaries. The Laboratory has posted a number of pictures to its Flickr photo site,

http://www.flickr.com/photos/losalamosnatlab/

Los Alamos residents should tune to 1610 AM for emergency information.

A Joint Information Center has been established at the Regional Development Corporation, 2209 Miguel Chavez Rd. in Santa Fe. Media should call 505-820-1226 for updates and monitorwww.nmfireinfo.com for official fire updates.

----Original Message----

From: Wallace, Andrew (Tom Udall) Sent: Tuesday, June 28, 2011 10:19 AM

To: 'Lewis.Josh@epamail.epa.gov'

Cc: 'Ganesan.Arvin@epamail.epa.gov'; 'Levine.Carolyn@epamail.epa.gov'

Subject: Re: call

we might want to request it. What would epa's response be? Can it come from Sen. Udall or does the state need to do it? Is there any epa staff on the ground for this incident from reg 6?

Andrew Wallace Sen. Tom Udall (NM)

---- Original Message -----

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Tuesday, June 28, 2011 10:16 AM

To: Wallace, Andrew (Tom Udall)

Cc: Ganesan.Arvin@epamail.epa.gov <Ganesan.Arvin@epamail.epa.gov>;
Levine.Carolyn@epamail.epa.gov <Levine.Carolyn@epamail.epa.gov>

Subject: Re: call

We're not aware of any plans to deploy additional monitors but are checking again w/ folks. Will be in touch w/ any updates.

Josh Lewis

USEPA/Office of Congressional and Intergovernmental Relations

phone: 202-564-2095 fax: 202-501-1550

From: "Wallace, Andrew (Tom Udall)"

<Andrew_Wallace@tomudall.senate.gov>

To: Josh Lewis/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA

Date: 06/28/2011 09:53 AM

Subject: call

That's the main office #. Thanks for your help. I'll be in a meeting, but will pop out if EPA calls. Please let me know by 1030-11 what, if

anything, is going on re: RadNet and the LANL fire (known as the Las Conchas fire). Here is the writeup from the RadNet page on what it did in the 2000 fire:

Los Alamos Fire, May 8, 2000

After a prescribed forest burn at the Bandolier National Monument in New Mexico went out of control, high winds caused fire to spread into the town of Los Alamos. The fire also spread into the surrounding communities and onto the Department of Energy's (DOE) Los Alamos National Laboratory (LANL). The laboratory is situated between canyons, which have historical radiological contamination and cleanup projects underway. RERT staff were requested by the EPA On-Scene Coordinators, DOE and the State of New Mexico to support their efforts at the fire by conducting air sampling and analysis. The RERT deployed an environmental monitoring network comprised of 20 low-volume air samplers to the surrounding communities and in other areas of concern, as well as a mobile laboratory and support vehicles. RERT staff took the lead in maintaining the air sampling network and analyzing samples, which showed no evidence of a health danger due to radiological concerns from the fire.

http://www.epa.gov/radiation/rert/radiationincidents.html



{In Archive} Q&A for tomorrow Wallace, Andrew (Tom Udall) to:

Carolyn Levine 04/27/2009 12:35 PM Hide Details

From: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

History: This message has been replied to and forwarded. Archive: This message is being viewed in an archive.

Hi Carolyn,

For tomorrow, Senator Udall may raise the issue of uranium mining cleanup activities in NM/Navajo so that Mr. Stanislaus is aware of its importance to NM, especially given its multi-regional nature, but I would not expect him to raise any specific questions in this forum. If Mr. Stanislaus could be prepared to at least make some brief, general remarks about the cleanup that would be great, but we will not be expecting details or anything.

Are you aware of any other major OSWER actions in NM that we should be aware of? I think we only have a handful of Superfund sites but EPA oversight over the complex of DOE/lab/DOD & associated cleanups is something that I will need to get more up to speed on. Thanks, Drew

Andrew G. Wallace Senior Policy Advisor Office of Senator Tom Udall (NM) 110 Hart Senate Office Building



"Lyman, Jeanette (Tom Udall)" <Jeanette_Lyman@tomudall. 05/25/2011 03:33 PM To Arvin Ganesan/DC/USEPA/US@EPA

Greg Spraul/DC/USEPA/US@EPA, Carolyn Levine/DC/USEPA/US@EPA

bcc

Subject Meeting Request

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

Hello Arvin, Greg, and Carolyn,

Our office is working with the EPW Committee on the idea of holding a hearing on uranium cleanup and new mining in the Subcommittee on Children's Health and Environmental responsibility. Nothing is set at this point, but as we continue to consider the idea, we wanted to reach out to you to try to set up a meeting where Senator Udall's staff and a couple of staff from the EPW Committee could get an update from you on the 5-year uranium cleanup plans in both regions 9 and 6, and also an overview of the EPW's role in new uranium mine leasing/monitoring, especially insitu-leach mining.

If you are willing to sit down with us, the end of next week or the end of the week of the 6 would probably work. If we could also get someone from regions 9 and 6 conferenced in on the phone, that would be great too.

Thanks, Jeanette

Jeanette Lyman Legislative Assistant Office of Senator Tom Udall

Connect with Tom at tomudall.senate.gov









{In Archive} RE: HR4202 EPA technical comments 🖰

Greg Spraul to: Wallace, Andrew (Tom Udall)

05/12/2010 08:52 AM

From:

Greg Spraul/DC/USEPA/US

To:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudali.senate.gov>

Archive:

This message is being viewed in an archive.

Drew,

Please note we are submitting these comments in direct response to your request for technical assistance, and as such none of these comments should be considered to represent the Agency's or the Administration's formal position on or endorsement of the bill or of any specific provisions therein.

This technical assistance reflects staff-level input and does not represent the policy positions of the Agency or the Administration. They are intended for use solely by you.



ta_epa_HR4202_05-12-10.pdf

Greg Spraul
Congressional Liaison
Water, Pesticides, and Toxics Team
Office of Congressional Affairs
U.S. Environmental Protection Agency
email: spraul.greg@epa.gov

Ph: 202.564.0255

"Wallace, Andrew (Tom Udall)"

That is good, thank you -----Origina...

05/11/2010 10:11:16 AM

From:

"Wallace, Andrew (Tom Udall)" <Andrew Wallace@tomudall.senate.gov>

To:

Greg Spraul/DC/USEPA/US@EPA

Date:

05/11/2010 10:11 AM

Subject:

RE: HR4202 EPA technical comments

That is good, thank you

----Original Message----

From: Spraul.Greq@epamail.epa.gov [mailto:Spraul.Greq@epamail.epa.gov]

Sent: Tuesday, May 11, 2010 7:56 AM

To: Wallace, Andrew (Tom Udall)

Subject: Re: HR4202 EPA technical comments

Drew,

I have not forgotten about you. I have collected technical assistance from different parts of the agency. I am combining those pieces and I also need my leg counsel to review the consolidated document. I plan on pressing the send button to you by COB tomorrow, assuming our leg counsel has no major issues.

Thanks again for the opportunity to provide input.

Greg

U.S. Environmental Protection Agency email: spraul.greg@epa.gov Ph: 202.564.0255 From: | "Wallace, Andrew (Tom Udall) " < Andrew_Wallace@tomudall.senate.gov> To: -----Greg Spraul/DC/USEPA/US@EPA Date: 04/30/2010 04:49 PM Subject: Re: HR4202 EPA technical comments

Greg Spraul

Congressional Liaison

Water, Pesticides, and Toxics Team Office of Congressional Affairs If possible by end of next week for TA. Thanks Andrew Wallace Sen. Tom Udall (NM) 202-224-6621

From: Spraul.Greg@epamail.epa.gov < Spraul.Greg@epamail.epa.gov>

To: Wallace, Andrew (Tom Udall) Sent: Fri Apr 30 16:04:06 2010

Subject: Re: HR4202 EPA technical comments

Drew,

To my knowledge, we did not provide ta on this bill. We can do so for the Senator. When do you need it? Regarding the policy question - leaving the bill aside - EPA is a big supporter of green infrastructure as a tool to improve water quality.

From: "Wallace, Andrew (Tom

Udall) " [Andrew_Wallace@tomudall.senate.gov]

Sent: 04/30/2010 02:09 PM AST

To: Greg Spraul

Subject: HR4202 EPA technical comments

Greg,

We are looking at the possibility of introducing HR4202 in the Senate. Did EPA generate any technical drafting comments for that in the House? If not, could your folks take a look at it and provide us with some feedback. Also, interested to know if this is something that the EPA would support from a policy perspective as well. Thanks, Drew

Andrew G. Wallace Senior Policy Advisor Office of Senator Tom Udall (NM) 110 Hart Senate Office Building THESE COMMENTS DO NOT REPRESENT AGENCY POLICY OR POSITION. THESE COMMENTS ARE PROVIDED AS TECHNICAL ASSISTANCE ONLY.

- (i) ELEMENTARY SCHOOL- The term 'elementary school' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).
- (ii) INSTITUTION OF HIGHER EDUCATION- The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).
- (iii) RESEARCH INSTITUTION- The term 'research institution' means an entity that is--
 - (I) described in section 501(c)(3) of the Internal Revenue Code of 1986;
 - (II) exempt from tax under section 501(a) of the Internal Revenue Code of 1986; and
 - (III) organized and operated for research purposes.
- (iv) SECONDARY SCHOOL- The term 'secondary school' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).
- (6) GREEN INFRASTRUCTURE- The term 'green infrastructure'--
 - (A) means any stormwater management technique that preserves, restores, enhances, or mimics natural hydrology;
 - (B) includes methods that promote absorption, uptake, percolation, evapotranspiration, and filtration by soil and plant life; or
 - (C) includes the preservation or restoration of--
 - (i) natural topography, including hills, plains, ravines, and shorelines;
 - (ii) interconnected networks of natural lands that protect essential ecological functions critical for water quality
 - (ii) ecology, including forests, grasslands, and deserts;
 - (iii) bodies of water, including lakes, flood plains, headwaters, and wetlands; and
 - (iv) native soil characteristics of composition, structure, and transmissivity.
- (7) STATE- The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

- (a) Centers of Excellence for Green Infrastructure- There is authorized to be appropriated to carry out section 3, \$25,000,000 for each of fiscal years 2011 through 2014.
- (b) Green Infrastructure Grants- There is authorized to be appropriated to carry out section 4, \$300,000,000 for each of fiscal years 2011 through 2014.
- (c) Environmental Protection Agency Green Infrastructure Program- There is authorized to be appropriated to carry out section 5, \$25,000,000 for each of fiscal years 2011 through 2014.

Before the end of fiscal year 2014, the Administrator shall submit to Congress a report that includes the following:

- (1) A description of all grants made under this Act and a detailed description of the projects supported and their outcomes.
- (2) A description of the improvements in technology, environmental benefits, resources conserved, efficiencies, and other benefits of the projects funded under this Act.
- (3) Recommendations on improvements to promote and support green infrastructure for the centers, grants, and programs under this Act.
- (4) A description of the existing challenges concerning the use of green infrastructure.

SEC. 7. DEFINITIONS.

In this Act:

- (1) ADMINISTRATOR- The term 'Administrator' means the Administrator of the Environmental Protection Agency.
- (2) AGENCY- The term 'Agency' means the Environmental Protection Agency.
- (3) CENTER- The term `center' means a center of excellence for green infrastructure established under section 3(a).
- (4) ELIGIBLE ENTITY- The term 'eligible entity' means--
 - (A) a State or local government; or
 - (B) a local, regional, or other entity that manages stormwater, water resources, or waste water resources.
- (5) ELIGIBLE INSTITUTION-
 - (A) IN GENERAL- The term 'eligible institution' means an institution of higher education, or a research institution, that has demonstrated excellence in green infrastructure by--
 - (i) conducting research on green infrastructure to determine how it reduces municipal stormwater runoff, enhances and protects drinking water sources, and improves water quality;
 - (ii) developing and disseminating information about how an organization can use green infrastructure;
 - (iii) providing technical assistance to an organization for a green infrastructure project;
 - (iv) developing best practices standards for green infrastructure;
 - (v) providing job training in green infrastructure;
 - (vi) developing course curricula for elementary schools, secondary schools, institutions of higher education, and vocational schools;
 - (vii) training students in green infrastructure; or
 - (viii) providing information to the Federal Government or State and local governments about the implementation of green infrastructure.
 - (B) ADDITIONAL DEFINITIONS- For purposes of subparagraph (A):

THESE COMMENTS DO NOT REPRESENT AGENCY POLICY OR POSITION. THESE COMMENTS ARE PROVIDED AS TECHNICAL ASSISTANCE ONLY.

(g) Federal Share-

- (1) IN GENERAL- Except as provided under paragraph (3), the Federal share of a grant provided under this section may not exceed 65 percent of the total project cost.
- (2) CREDIT FOR IMPLEMENTATION GRANT- The Administrator shall credit toward the non-Federal share of the cost of an implementation project carried out under this section the cost of planning, design, and construction work completed for the project with funds other than funds provided under this Act.
- (3) EXCEPTION- The Administrator may waive the Federal share limitation under paragraph (1) for an eligible entity that has adequately demonstrated financial need.

SEC. 5. ENVIRONMENTAL PROTECTION AGENCY GREEN INFRASTRUCTURE PROGRAM.

- (a) Establishment- The Administrator shall establish within the Office of Water of the Agency a green infrastructure program, the purpose of which is to coordinate and promote the use of green infrastructure and to integrate green infrastructure into permitting programs.
- (b) Duties- The Administrator shall carry out the green infrastructure program by--
 - (1) promoting the use of green infrastructure in the programs of the Agency; and
 - (2) coordinating efforts to increase the use of green infrastructure with other Federal agencies, State and local governments, and the private sector.
- (c) Regional Implementation of Green Infrastructure Program- The Administrator shall direct each regional office of the Agency to develop a program to promote and integrate the use of green infrastructure within the region that includes--
 - (1) a plan for monitoring, financing, <u>mapping</u> and designing the green infrastructure:
 - (2) outreach and training on green infrastructure implementation for State and local governments and the private sector; and
 - (3) the incorporation of green infrastructure into permitting and other regulatory programs, codes, and ordinance development, including the requirements under consent decrees and settlement agreements in enforcement actions.
- (d) Green Infrastructure Compliance Assistance Center- The Administrator shall create a compliance assistance center, including a Web site, to share information with and provide technical assistance to State and local governments, the private sector, and the public about green infrastructure approaches to reducing water pollution, protecting water resources, complying with regulatory requirements, and achieving other environmental, public health, and community goals.
- (e) Green Infrastructure Portfolio Standard- The Administrator, in collaboration with State and local water resource managers, shall establish measurable goals, to be known as the `green infrastructure portfolio standard', to increase the percentage of annual water managed by eligible entities that uses green infrastructure.

SEC. 6. REPORT TO CONGRESS.

- (2) IMPLEMENTATION GRANTS- The Administrator may make implementation grants under this section for the following projects:
 - (A) Installing green infrastructure
 - (B) Protecting and/or restoring interconnected networks of natural areas that protect water quality.
 - (CB) Monitoring and evaluating the environmental, economic, or social benefits of green infrastructure.
 - (\underline{DC}) Implementing a best practices standard for a green infrastructure program.
 - (ED) Implementing a green infrastructure portfolio standard program described in section 5(e).
- (c) Application- Except as otherwise provided, to be eligible to receive a grant under this section, an eligible entity shall prepare and submit to the Administrator an application at such time, in such form, and containing such information and assurances as the Administrator may require, that includes, where applicable--
 - (1) a description of the green infrastructure project;
 - (2) a plan for monitoring the impacts of the green infrastructure project on the water quality and quantity;
 - (3) an evaluation of other environmental, economic, or social benefits of the green infrastructure project; and
 - (4) a plan for the long-term operation and maintenance of the green infrastructure project.
- (d) Additional Requirement for Green Infrastructure Portfolio Standard Project- A State applying for a grant for a green infrastructure portfolio standard program described in section 5(e) shall prepare and submit a schedule of increasing minimum percentages of the annual water to be managed using green infrastructure under the program.
- (e) Priority- In making grants under this section, the Administrator shall give priority to applications--
 - (1) submitted from a community--
 - (A) that--
 - (i) has combined storm and sanitary sewers in its collection system; or
 - (ii) is low-income or disadvantaged as determined by the Administrator; or
 - (2) submitted from an eligible entity that will use 10 percent of the grant provided for a low-income or disadvantaged community as determined by the Administrator.
- (f) Grant Limitation-
 - (1) PLANNING AND DEVELOPMENT GRANT- The Administrator may not make a planning and development grant under this section in an amount that exceeds \$200,000. The Administrator may not make planning and development grants of more than \$100,000,000, in the aggregate, in each fiscal year.
 - (2) IMPLEMENTATION GRANT- The Administrator may not make an implementation grant under this section in an amount that exceeds \$3,000,000. The Administrator may not make implementation grants of more than \$200,000,000, in the aggregate, in each fiscal year.

- clearinghouse center for publication on the Web site created pursuant to subsection (c) to inform the Federal Government and State and local governments and the private sector about green infrastructure;
- (D) provide technical assistance to State and local governments to assist with green infrastructure projects; including assistance with oversight of operations and maintenance of the green infrastructure projects.
- (E) collaborate with institutions of higher education and private and public organizations in the geographic region in which the center is located on green infrastructure research and technical assistance projects;
- (F) assist institutions of higher education, secondary schools, and vocational schools to develop green infrastructure curricula;
- (G) provide training about green infrastructure to institutions of higher education and professional schools;
- (H) evaluate regulatory and policy issues about green infrastructure; and
- (I) coordinate with the other centers to avoid duplication of efforts.
- (b) Application- To be eligible to receive a grant under this section, an eligible institution shall prepare and submit to the Administrator an application at such a time, in such form, and containing such information and assurances as the Administrator may require.
- (c) National Electronic Clearinghouse Center- One of the centers established under section (a)(1) shall be designated and known as the `national electronic clearinghouse center' and shall, in addition to its other functions--
 - (1) develop, operate, and maintain a Web site and a public database, containing information relating to green infrastructure; and
 - (2) post information from the centers to the Web site.

SEC. 4. GREEN INFRASTRUCTURE GRANTS.

- (a) Grant Authority- The Administrator shall make grants on a competitive basis to eligible entities to carry out green infrastructure projects in accordance with this section. (b) Green Infrastructure Projects-
 - (1) PLANNING AND DEVELOPMENT GRANTS- The Administrator may make planning and development grants under this section for the following projects:
 - (A) Planning and designing green infrastructure projects, including engineering surveys, landscape plans, <u>maps</u>, and implementation plans.
 - (B) Identifying and developing standards and revisions to local zoning, building, or other local codes necessary to accommodate green infrastructure projects.
 - (C) Identifying and developing fee structures to provide financial support for design, installation, and operations and maintenance of green infrastructure.
 - (D) Developing training and educational materials about green infrastructure for distribution to both those with applicable technical knowledge and the public in general.
 - (E) Developing a green infrastructure portfolio standard program described in section 5(e).

EPA Technical Assistance on HR 4202 May 12, 2010

General Comments

During the listening sessions EPA has hosted for our national stormwater rulemaking effort¹, we heard repeatedly that localities support the green infrastructure approach but lack funding. In addition, we heard that expertise is solely lacking.

The legislation requires the establishment of a green infrastructure program in the Office of Water. Congress should know that the Office of Water already has a green infrastructure program. We would be happy to brief you on its activities and accomplishments.

Given the size of the projected program, we thought it might be worth considering allowing some portion of appropriation to be used by EPA (or the state, if this can be delegated) for program management and oversight. Here is some example language:

"Provided, that the Administrator may retain up to X percent of the funds appropriated herein for management and oversight purposes"

Redline Suggestions

These minor language suggestions below: (1) allow for Centers of Excellence to support not only the construction of green infrastructure, but also their operation and maintenance, and (2) adds land protection and restoration, that supports water quality improvement, to the definition of green infrastructure and as eligible projects to be funded.

SEC. 3. CENTERS OF EXCELLENCE FOR GREEN INFRASTRUCTURE.

- (a) Establishment of Centers-
 - (1) IN GENERAL- The Administrator shall make grants on a competitive basis to eligible institutions to establish and maintain not fewer than 3 and not more than 5 centers of excellence for green infrastructure, located throughout the United States.
 - (2) GENERAL OPERATION- Each center shall--
 - (A) conduct research on green infrastructure that is relevant to the geographic region in which the center is located, including stormwater and sewer overflow reduction, other approaches to water resource enhancement, and other environmental, economic, and social benefits;
 (B) develop manuals and set industry standards on best management practices relating to State, local, and commercial green infrastructure for use by State and local governments and the private sector;
 - (C) provide information about research conducted under subparagraph (A) and manuals produced under subparagraph (B) to the national electronic

¹ http://epa.gov/npdes/stormwater/rulemaking



"Wallace, Andrew (Tom

Udali)" <Andrew_Wallace@tomudali.

To Greg Spraul/DC/USEPA/US@EPA

CC

bcc

07/28/2010 01:24 PM

Subject FW: AMWA chem sec letter

History:

This message has been replied to and forwarded.

Archive:

This message is being viewed in an archive.

1 attachment



FAXCOM6_1007272107262282.PDF

Greg, the Senator may reference this letter from AMWA, which implies that the only alternative to gaseous chlorine is hypochlorite, and omits any notice of on-site generation of disinfectant

From: Vavruska, Anna (Tom Udall)
Sent: Tuesday, July 27, 2010 6:01 PM
To: Wallace, Andrew (Tom Udall)
Subject: AMWA chem sec letter



July 27, 2010

The Honorable Barbara Boxer Chairman The Honorable James Inhofe Ranking Member Committee on Environment and Public Works United States Senate Washington, D.C. 20510

RE: Hearing on "Protecting America's Water Treatment Facilities"

Dear Chairman Boxer and Ranking Member Inhofe,

As the Environment and Public Works Committee holds an important hearing on the security of the nation's drinking water and wastewater facilities, the Association of Metropolitan Water Agencies (AMWA) believes it is important for the Committee to understand the factors that drinking water systems must consider when selecting chemicals to use during the water disinfection process. The Association would also like to offer some thoughts on S. 3598, the "Secure Water Facilities Act."

As part of the drinking water treatment process, EPA regulations require water utilities to use chlorine (often in the form of liquefied gas or sodium hypochlorite) to kill harmful bacteria and viruses. When deciding which form of chlorine to use, individual utilities must consider not only how to best protect the communities they serve from manmade threats, but also climate, plant location, cost, ambient water quality, available technology, safety, and compliance with the Safe Drinking Water Act (SDWA). Because of these multiple factors, any suggestion that all drinking water utilities could properly disinfect their water supplies with a particular form of chlorine is simply false.

Nevertheless, many water systems currently use processes that may meet one's definition of a so-called "inherently safer technology" ("IST"). According to an informal survey of large drinking water utilities conducted by AMWA in 2008, about sixty-five percent of survey respondents had considered adopting an alternate disinfectant to gaseous chlorine within the previous five years, and about forty-six percent actually began using an alternate at one or more water treatment facilities. This clearly shows that drinking water systems are willing to implement "ISTs" when they are able to do so without compromising public health or safety.

However, not all water systems can adopt "IST." For example, in 2008 an official from a drinking water utility in California testified before the House Energy and Commerce Committee that, if his utility were to replace gaseous chlorine with sodium hypochlorite as its primary disinfectant, it would require seventy separate five-thousand gallon shipments of sodium hypochlorite each week. Similarly, the

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Diane VanDe Hei Executive Director

Leaders in Water

Association of Metropolitan Water Agencies 1620 I Street, NW, Suite 500, Washington, DC 20006 - p 202.331.2820 f 202.785.1845 - www.amwa.net

utility would have to hold the equivalent of 280 of these five-thousand gallon tanks on-site at the water treatment facility to maintain a 30-day backup supply necessary to continue water disinfection in the event of a supply chain disruption. The utility testified that the risks inherent with coordinating these shipments through local neighborhoods, protecting dozens of trucks against sabotage or attack, and ensuring that sodium hypochlorite supplies were used before their quality degraded outweighed the benefits of replacing gaseous chlorine. So while drinking water systems frequently consider "IST," Congress should not believe it is a panacea that is feasible or advisable for every water system in every situation.

Water Security Legislative Background

As you know, following the 9/11 terrorist attacks Congress passed the Public Health Protection and Bioterrorism Preparedness and Response Act of 2002. This law added a new Section 1433 to SDWA, which required all drinking water utilities serving more than 3,300 people to prepare vulnerability assessments and emergency response plans to identify weaknesses in their security posture and prepare for security-related incidents. EPA officials have testified before Congress that all of the nation's largest drinking water systems have successfully complied with this requirement.

In 2006, in light of these existing security requirements, subsequent unilateral measures taken by drinking water utilities (such as security enhancements, increased training, and chemical reduction and substitution when feasible), and the inherent differences between water systems and chemical facilities, Congress exempted the water sector from duplicative regulation through the DHS Chemical Facility Anti-Terrorism Standards (CFATS) program. Today, however, the Obama Administration believes that this exemption represents a regulatory "security gap" for the water sector, and has encouraged Congress to streamline a new EPA-based water and wastewater security program with the requirements of CFATS.

As the Senate made plans to proceed with water security legislation, AMWA was pleased to have the opportunity to work with Sen. Frank Lautenberg as he formulated S. 3598. As introduced, the bill is similar to Titles II and III of H.R. 2868, chemical and water facility security legislation that the House of Representatives approved last year. Importantly, S. 3598 includes no statutory requirement that a water utility implement an "IST" if any state or federal entity finds it to be feasible.

However, unlike the process of formulating H.R. 2868 in the House – where the Energy and Commerce Committee had an opportunity to reshape CFATS legislation first approved by the Homeland Security Committee to meet the needs of the water sector – S. 3598 was introduced before the Senate Homeland Security and Governmental Affairs Committee approved a bill to define the scope of new CFATS regulations. In fact, the Senate Homeland Security Committee is scheduled to meet to markup CFATS legislation on the same day as the Environment and Public Works Committee's hearing on water security. Therefore, until there is an opportunity to carefully review any legislation approved by that panel it will remain unclear whether Sen. Lautenberg's bill represents an accurate reflection of the new CFATS rules that the full Senate may consider, or a measure that would impose much more onerous security regulations on public water and wastewater systems than might be placed on private chemical manufacturers – thereby failing to achieve the Administration's goal of reasonably streamlining the physical security requirements that apply to water, wastewater, and chemical facilities. Moreover, the fiscal year 2011 Homeland Security appropriations bill approved just two weeks ago by the Homeland Security Appropriations Subcommittee included a one-year extension of the current CFATS – further inviting confusion as to which security framework the water and wastewater security legislation should seek to replicate.

July 27, 2010 Page 3

For this reason, AMWA believes that it is premature for the Environment and Public Works Committee to consider water and wastewater facility security legislation before it has had an opportunity to analyze any final CFATS reauthorization bill approved by the Senate Homeland Security Committee. Similarly, until we fully understand what CFATS legislation is approved by the Homeland Security Committee, AMWA will take no position on S. 3598.

Nevertheless, in addition to preserving the ability of local water system experts to choose the most appropriate water disinfection method, AMWA has several other suggestions that it hopes the Committee will consider in shaping water security legislation:

Sensitive Information Protection

The Committee must continue the protection of utility vulnerability assessments against public disclosure under the Freedom of Information Act or similar state or local laws. Currently, Section 1433 of SDWA bars this disclosure and allows judges to impose a criminal penalty of up to one year in prison and a fine of \$100,000 against individuals found to have unlawfully shared this sensitive information. These protections are critical because any information leak that puts a utility's security plans in the public domain would provide terrorists and criminals with a step-by-step guide of how to compromise a utility's security measures. Such an outcome could put millions of community residents at permanent risk, so it is crucial that Congress maintains these protections and penalties going forward.

Moreover, while S. 3598 would require EPA to conduct a rulemaking process to facilitate the sharing of some security information with outside groups such as first responders, the bill must not tie EPA's hands with preconditions that grant certain groups a statutory right to posses their own copies of sensitive utility security documents. Such entitlements would be inconsistent with our shared goal of ensuring the strongest protections for this sensitive information, and should be rejected by this Committee.

Avoiding Unreasonable Regulatory Burdens

Water security legislation must not require utilities to begin security planning from scratch when they already have robust security reviews and procedures in place. For example, any requirement that directs water systems to periodically update vulnerability assessments should make clear that utilities may follow recognized industry guidelines when completing this task. The water industry has developed widely used tools for the completion of VAs since enactment of the Bioterrorism Act in 2002, so new legislation should allow water systems to use these well-vetted processes when assessing their risks.

The new water legislation should also extend to water systems important legal protections that Congress may provide to chemical facilities as part of a new CFATS. For example, H.R. 2868 as passed by the House would prohibit individual citizens or organizations from suing chemical facilities for alleged non-compliance with requirements of the CFATS regulations. Instead, the bill included "citizen petition" provisions directing DHS to establish a process through which individuals can report alleged CFATS violations to the Department for investigation. Unfortunately, the House bill did not extend similar protections to water and wastewater facilities, resulting in an irrational situation where individuals may file lawsuits intended to influence chemical selection at public water systems, but not at private chemical facilities.

S. 3598 duplicates this mistake, which could be easily solved by specifying that existing citizen suit provisions in SDWA do not apply to a utility's choice of disinfectant chemicals. This would maintain the ability of

July 27, 2010 Page 4

individuals to file suit against water systems that are out of compliance with a drinking water contaminant standard, consistent with the original intent of SDWA, but would not allow virtually unlimited lawsuits against any water utility that does not choose to implement an "IST." AMWA would be happy to work with the Committee to develop language that meets these objectives.

Finally, as approved by the House H.R. 2868 would require EPA to place water systems in one of four risk-based tiers, with facilities in higher tiers required to meet more strict security standards. EPA would tier facilities based on the potential consequences of an attack on the water facility or contamination of the water supply. Under these criteria, water systems that serve large populations (and therefore may hold larger amounts of treatment chemicals) would likely be assigned to higher-risk tiers, because of the more significant potential consequences of an attack. But these same large systems could possibly be reassigned to lower-risk tiers if they begin to use less hazardous chemicals that would result in fewer off-site consequences in the event of an incident.

However, S. 3598 as introduced eliminates this incentive for large water systems to use less hazardous chemicals because it requires EPA to take into account both the size of the population served by the water system and the treatment facility's proximity to population centers when initially assigning systems to a tier. A likely result is that, at a minimum, more than 400 drinking water systems across the country classified by EPA as "very large" (each serving more than 100,000 people) will automatically be defined as high-risk, no matter which disinfectant chemicals they use or what other security measures they have put in place. Moreover, a significant portion of the nation's nearly 4,000 drinking water systems serving between 10,000 and 100,000 people could also be pulled into the high-risk tier. This would further reduce the incentive for many water systems to take steps to be assigned to a lower tier and increase the workload of EPA and primacy state agencies that must ensure compliance with elevated requirements of the highest tiers. Again, AMWA would be happy to work with the Committee to solve this problem at the appropriate time.

Working Together for Practical Water Facility Security

I want to reiterate that AMWA's willingness to cooperate with the Committee to close the so-called "security gap" that the Administration believes is present in the regulation of water and wastewater systems. But this gap can only be closed with the full knowledge of the updated CFATS legislation that the Senate may consider for private chemical facilities. When the contents of this bill are clear, I hope we can all agree on a path forward that allows local water system experts to make drinking water disinfection decisions on a localized, case-by-case basis to most effectively protect public health.

Sincerely,

Diane VanDe Hei Executive Director

sine the De He

cc: Environment and Public Works Committee Members



To Greg Spraul/DC/USEPA/US@EPA

cc bcc

07/27/2010 04:08 PM

Subject water chemical security hearing tomorrow

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

FYI, Sen. Udall is likely to attend, and will likely ask the EPW witness about their approach to encouraging inherently safer water treatment technology such as on-site disinfectant generation. A witness on the 2nd panel, MIOX Corp., is based in Albuquerque and is one of several companies that offer such technology as a safer alternative to chlorine gas/hypochlorite.



05/23/2011 09:32 AM

To Greg Spraul/DC/USEPA/US@EPA

Christina Moody/DC/USEPA/US@EPA, David cc Piantanida/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA

bcc

Subject RE: EPA STAG water infrastructure funding

Archive:

This message is being viewed in an archive.

Thanks Greg, will appreciate someone shedding some light over whether there might be competitive EPA STAG grants for drinking water/wastewater in FY11 or whether this is a wild goose chase. Happy to get on a call w/ folks this week. Thanks again, Drew

From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov]

Sent: Thursday, May 19, 2011 4:59 PM

To: Wallace, Andrew (Tom Udall)

Cc: Moody.Christina@epamail.epa.gov; Piantanida.David@epamail.epa.gov;

Ganesan.Arvin@epamail.epa.gov

Subject: Re: EPA STAG water infrastructure funding

I am looping you in to our appropriations team who will take it from here.

From: "Wallace, Andrew (Tom Udall)" [Andrew Wallace@tomudall.senate.gov]

Sent: 05/19/2011 04:53 PM AST

To: Greg Spraul Cc: Arvin Ganesan

Subject: EPA STAG water infrastructure funding

Greg,

We've got a question on EPA's budget for water project STAG in the remainder of FY11. The first CR passed in 2010 included a non-earmarked amount for STAG, then subsequent CRs cut that funding. Is there any of this funding left in FY11 for wastewater/drinking water projects, and if so, what are EPA's plans for it? Thanks,

Drew

Andrew G. Wallace Senior Policy Advisor Sen. Tom Udall (NM) 110 Hart Senate Office Building Washington, D.C. 20510



To Greg Spraul/DC/USEPA/US@EPA

cc bcc

05/07/2009 03:41 PM

Subject RE: Clean Water SRF principal forgiveness

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

OK, but that is like a 10 minute meeting w/ Sen. Udall, and I'm going to have to run right after that, so was hoping to discuss in a more appropriate setting. Sen. Udall is aware of the issue, but not sure that's what we want to take up the time on with Mr. Silva... Unless the answer is really easy and then you can just tell me

From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov]

Sent: Thursday, May 07, 2009 3:38 PM

To: Wallace, Andrew (Tom Udall)

Subject: Re: Clean Water SRF principal forgiveness

Pete Silva and I are coming to see you soon and we can discuss

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 05/07/2009 03:29 PM AST

To: Greg Spraul

Subject: Clean Water SRF principal forgiveness

· Greg,

Could I have a conversation with some SRF experts at EPA regarding principal forgiveness of SRF loans and possible problems with that type of financial arrangement with state constitutions? NM ED thinks that could be an issue with the EPW SRF bill. They do the CWASRF and think that could be a problem for them (ie the state constitution prohibits it). Now a different state agency does the SDWASRF (the NM Finance Authority) and I am trying to find out if they are able to do principal forgiveness, but have not yet found out.

We are trying to sort this out prior to MUP next week, and Jason Allbritton recommended that I talk to the EPA folks who run the program and may have dealt with these issues before (I think other states have had this concern, such as MO).

Thanks, Drew

Andrew G. Wallace Senior Policy Advisor Office of Senator Tom Udall (NM) 110 Hart Senate Office Building



To Greg Spraul/DC/USEPA/US@EPA

cc bcc

05/08/2009 09:11 AM

Subject RE: SRF subsidization call

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

Yes I could do 11:15 today, that would be great. Thanks

----Original Message----

From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov]

Sent: Friday, May 08, 2009 8:22 AM To: Wallace, Andrew (Tom Udall) Subject: SRF subsidization call

Do you have time between 11 and Noon today for a call?

If not, can you do Monday?

If so, what times on Monday are good?



To Greg Spraul/DC/USEPA/US@EPA

СС bcc

05/05/2009 03:14 PM

Subject RE: ARRA SRF funds

Archive:

This message is being viewed in an archive.

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Got it, thanks.
----Original Message----
From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov]
Sent: Tuesday, May 05, 2009 3:13 PM
To: Wallace, Andrew (Tom Udall)
Subject: RE: ARRA SRF funds
The states have to submit an intended use plan to the EPA region that
includes a list of projects. the IUP is usually the place where delays
occur.
EPA issued IUP guidance to the states to help them...
http://www.epa.gov/water/eparecovery/docs/2009-03-02 Final ARRA SRF Guidance.p
df
I will check with Region 6 on the timing of the release of funds
Greg Spraul
Congressional Liaison
Water, Pesticides, and Toxics Team
Office of Congressional Affairs
U.S. Environmental Protection Agency
email: spraul.greg@epa.gov
Ph: 202.564.0255
 From:
-----
 |"Wallace, Andrew (Tom Udall)" <Andrew Wallace@tomudall.senate.gov>
      _____
To:
----->
  |Greg Spraul/DC/USEPA/US@EPA
 Date:
------
 |05/05/2009 03:04 PM
```

>
Subject:
>
>
RE: ARRA SRF funds
>
· ·
I take it from that list that you guys have not yet rolled out NM
wastewater or drinking water, and that the funds do go in a block to the
state, which will make the individual project funding decisions,
correct? Just trying to confirm those 2 facts.
Original Message
From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov]
Sent: Tuesday, May 05, 2009 3:01 PM
To: Wallace, Andrew (Tom Udall)
Subject: Re: ARRA SRF funds
Here is where all our releases are published
here is where all our releases are published
http://yosemite.epa.gov/opa/admpress.nsf/Press%20Releases%20-%20Recovery%20act
!OpenView
let me know if you need more
Tet me know it you need more
Greg Spraul
Congressional Liaison
Water, Pesticides, and Toxics Team Office of Congressional Affairs
U.S. Environmental Protection Agency
email: spraul.greg@epa.gov
Ph: 202.564.0255
>
From:
>
>
"Wallace, Andrew (Tom Udall)" <andrew_wallace@tomudall.senate.gov></andrew_wallace@tomudall.senate.gov>
>
>

•

To:	
Greg Spraul/DC/USEPA/US@EPA	
 Date: 	
05/05/2009 02:47 PM	
> Subject: >	
ARRA SRF funds	

Greg,
Can you explain to me how the state-by-state ARRA releases are going
under the CWSRF and the SDWSRF? From the website it looks like you have
done NY and CO, is there a schedule for the rest of the states (or have
the gone out with just less media)? Maybe I just missed it... Thanks,
Drew

Andrew G. Wallace Senior Policy Advisor Office of Senator Tom Udall (NM) 110 Hart Senate Office Building)



To Greg Spraul/DC/USEPA/US@EPA

CC bcc

04/21/2009 11:39 AM

Subject RE: water question

Archive:

This message is being viewed in an archive.

Thanks for the info. -Drew

----Original Message----

From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov]

Sent: Tuesday, April 21, 2009 10:07 AM

To: Wallace, Andrew (Tom Udall) Subject: Re: water question

Andrew,

Thank you for your questions about Tribes and CWSRF. The first thing you should know is that tribal wastewater infrastructure needs are obtained by another federal agency, the Indian Health Service. We work in concert with them as described in the FAQ document attached.

Also, EPA just released a new needs survey for drinking water infrastructure. Tribal needs are described on page 14 (PDF page 28) in that report: http://www.epa.gov/safewater/needssurvey/pdfs/2007/report_needssurvey_2007.pdf

You rightly point out that our 2004 Clean Watersheds Needs Survey does not include tribal needs. The report (http://www.epa.gov/cwns/2004rtc/cwns2004rtc.pdf) states:.

"...the CWNS 2004 did not request data for needs and facilities that serve American Indians and native villages, hereinafter referred to as Tribal needs.7 EPA does not include or report Tribal needs because the Indian Health Service (IHS) conducts a separate survey and provides a report to Congress annually under Public Law 86-121. The IHS reports on wastewater treatment systems, improvement of community drinking water supplies and solid waste disposal facilities. A special set-aside of the CWSRF appropriation provides funding for Tribal needs on the basis of a priority list of projects, updated annually by the IHS."

Your best source of information is probably the website below and the FAQ document I've attached.

After looking over this material, let me know if you need to speak to staff and I can set up a call for tomorrow.

Clean Water Indian Set-Aside Grant Program http://www.epa.gov/owm/mab/indian/cwisa.htm

(See attached file: tribal-faq-highres.pdf)

Greg

Greg Spraul
Congressional Liaison
Water, Pesticides, and Toxics Team
Office of Congressional Affairs
U.S. Environmental Protection Agency
email: spraul.greg@epa.gov
Ph: 202.564.0255

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>-		
	"Wallace, Andrew (Tom Udall)" <andrew_wallace@tomudall.< td=""><td></td></andrew_wallace@tomudall.<>	
-	To:	
 	Greg Spraul/DC/USEPA/US@EPA	
-	Date:	
- - 	04/21/2009 09:36 AM	
- - -	Subject:	
	water question	

Greg, do you have some time today/tomorrow to discuss the CWA and SDWA revolving funds and tribal communities?

My initial question is—is there a needs survey for waste water for tribes? I found some info on drinking water & tribes, with the last needs survey from 2001, but nothing on the waste water side either within the national needs survey or on the tribal program of wastewater website.

I'll probably have some follow up question about the set-aside (how much could the tribes productively spend?), and how the national needs survey may be calculated (it looks at capital requirements for existing infrastructure, but how does it measure communities that simply lack infrastructure, such as some tribes?).

Time is of the essence here, so it's important to talk soon if possible.

Thanks, Drew

Andrew G. Wallace Senior Policy Advisor Office of Senator Tom Udall (NM) 110 Hart Senate Office Building)



To Greg Spraul/DC/USEPA/US@EPA

cc bcc

04/06/2009 05:02 PM

Subject RE: Meeting w/ EPA Congressional Liaison

Archive:

This message is being viewed in an archive.

Thanks

----Original Message----

From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov]

Sent: Monday, April 06, 2009 5:01 PM

To: Wallace, Andrew (Tom Udall)

Subject: Re: Meeting w/ EPA Congressional Liaison

That works great. I have it on my calendar.

---- Original Message -----

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 04/06/2009 04:59 PM AST

To: Greg Spraul

Subject: RE: Meeting w/ EPA Congressional Liaison

How about 930?

----Original Message----

From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov]

Sent: Monday, April 06, 2009 4:45 PM

To: Wallace, Andrew (Tom Udall)

Subject: Re: Meeting w/ EPA Congressional Liaison

Sounds good. 10am on the 20th?

I am free all day if 10 is bad.

---- Original Message -----

From: "Wallace, Andrew (Tom Udall)" [Andrew Wallace@tomudall.senate.gov]

Sent: 04/06/2009 04:38 PM AST

To: Greg Spraul

Subject: RE: Meeting w/ EPA Congressional Liaison

Doesn't look like next Monday will work after all, how about 2 weeks from today?

----Original Message----

From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov]

Sent: Monday, April 06, 2009 1:43 PM

To: Wallace, Andrew (Tom Udall)

Subject: RE: Meeting w/ EPA Congressional Liaison

Monday works well. I have a Noon and a 2:30 but am otherwise open.

Greg Spraul

Congressional Liaison

Water, Pesticides, and Toxics Team

Office of Congressional Affairs

U.S. Environmental Protection Agency

email: spraul.greg@epa.gov

Ph: 202.564.0255

Jeanette and Andrew,

Good afternoon! My name is Greg Spraul and I am a Congressional Liaison with EPA working primarily on water issues. I understand you are staffing Senator Tom Udall with his duties on EPW.

Since this is the beginning of a new Congress and since the Senate is in recess for the next two weeks, I thought it might be a good idea to have a brief (30 minute) informal meeting to allow me to introduce myself and to listen and hear about the Senator's views related to environmental issues.

Our Office strives to provide exceptional customer service to members of Congress and their staff. This meeting will help us know how to serve the Senator better.

If you are available and willing to meet, I think it would be time well spent.

I am happy to meet at you office and I am available most days over the next two weeks.

Thanks for considering my offer.

Greg

Greg Spraul Congressional Liaison Water, Pesticides, and Toxics Team Office of Congressional Affairs U.S. Environmental Protection Agency email: spraul.greg@epa.gov

Ph: 202.564.0255

> From:		
"Wallace, Andrew (Tom Udall) " <andrew_wallace@tomudall.senate.gov></andrew_wallace@tomudall.senate.gov>		
To:		
Greg Spraul/DC/USEPA/US@EPA		
> Date:		
04/06/2009 01:39 PM		
 Subject:		
RE: Meeting w/ EPA Congressional Liaison		
>		
Thanks Greg, good to hear from you. Jeanette is in NM this week, and I'll be heading out next week, but next Monday might be a good time to get both of us. I'll try and coordinate w/ Jeanette and see if that		

From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov.] Sent: Monday, April 06, 2009 1:29 PM

To: Lyman, Jeanette (Tom Udall); Wallace, Andrew (Tom Udall) Subject: Meeting w/ EPA Congressional Liaison

works. Can you do next Monday?

----Original Message----

In Archive RE: Need to reschedule our 9:30 meeting

Greg Spraul to: Wallace, Andrew (Tom Udall)

Cc: "Lyman, Jeanette (Tom Udall)"

Greg Spraul/DC/USEPA/US

To: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

Cc: "Lyman, Jeanette (Tom Udall)" < Jeanette_Lyman@tomudall.senate.gov>

Archive:

From:

This message is being viewed in an archive.

Thanks

Greg Spraul Congressional Liaison Water, Pesticides, and Toxics Team Office of Congressional Affairs U.S. Environmental Protection Agency email: spraul.greg@epa.gov Ph: 202.564.0255

"Wallace, Andrew (Tom Udall)"

We are in 110 Hart. ----Original M...

04/20/2009 06:32:23 PM

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

Greg Spraul/DC/USEPA/US@EPA To:

Cc:

"Lyman, Jeanette (Tom Udall)" < Jeanette_Lyman@tomudall.senate.gov>

04/20/2009 06:32 PM Date:

RE: Need to reschedule our 9:30 meeting Subject:

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We are in 110 Hart.
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----Original Message----
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From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov]

Sent: Monday, April 20, 2009 6:27 PM

To: Wallace, Andrew (Tom Udall); Lyman, Jeanette (Tom Udall)

Subject: Re: Need to reschedule our 9:30 meeting

3 on thursday is perfect.

What room?

---- Original Message -----

From: "Wallace, Andrew (Tom Udall)" [Andrew Wallace@tomudall.senate.gov]

Sent: 04/20/2009 02:55 PM AST

To: Greg Spraul; "Lyman, Jeanette (Tom Udall)"

<Jeanette Lyman@tomudall.senate.gov>

Subject: RE: Need to reschedule our 9:30 meeting

Greg, how about 3pm or later on Thursday?

----Original Message----

From: Spraul.Greg@epamail.epa.gov [mailto:Spraul.Greg@epamail.epa.gov]

Sent: Sunday, April 19, 2009 2:13 PM

04/21/2009 09:15 AM

To: Wallace, Andrew (Tom Udall); Lyman, Jeanette (Tom Udall) Subject: Need to reschedule our 9:30 meeting

Andrew and Jeanette,

Something has come up and I will need to be out of the office on Monday. Can we reschedule our meeting for later in the week. Any day is good except Friday.

I apologize for the late notice.

Greg



{In Archive} RE: FW: EPA Notifies States of Areas that Would Not Meet Lead Air Quality Standards

Apodaca, Anna (Tom Udall) to: Cynthia Fanning

06/23/2010 12:51 PM

From:

"Apodaca, Anna (Tom Udali)" <Anna_Apodaca@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Archive:

This message is being viewed in an archive.

Thank Cynthia.

Anna

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Wednesday, June 23, 2010 11:47 AM

To: Apodaca, Anna (Tom Udall)

Subject: Re: FW: EPA Notifies States of Areas that Would Not Meet Lead

Air Quality Standards

Anna -

I have included you on our notification list. Thank you for letting me know your interest! FYI, here is a news brief I distributed yesterday.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118

From:

"Apodaca, Anna (Tom Udali)" <Anna_Apodaca@tomudali.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Date:

06/23/2010 12:40 PM

Subject: FW: EPA Notifies States of Areas that Would Not Meet Lead Air Quality Standards

Cynthia,

Can you let me know how I can get on the email list regarding EPA regulations or notifications. A colleague forwarded a previous email. Thank you.

Regards,

Anna Apodaca
Field Representative
Office of United States Senator Tom Udall
505 S. Main St. Suite 118
Las Cruces. NM 88001

Connect with Tom at tomudall.senate.gov



From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Tuesday, June 15, 2010 10:21 AM

Subject: EPA Notifies States of Areas that Would Not Meet Lead Air Quality Standards

This is to let you know that EPA has notified states of the initial list of areas that would not meet new, more protective air quality standards for lead. EPA has notified the state of New Mexico that we do not intend to complete the initial area designations for New Mexico at this time. Instead, EPA intends to designate all areas in New Mexico no later than October 12, 2011, in the second round of lead designations.

Copies of EPA's letters to Governor Richardson are attached. More information about the proposed designation will soon be available at http://epa.gov/leaddesignations/

Please let me know if you have any questions about this action.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



{In Archive} RE: Call re San Juan extension request -- please reply ASAP

Ramirez, Angela, 'Ward, Stephen

Baca, Terri Nikole to: (Bingaman)', Cynthia Fanning, Nagle, Tom (Tom Udall)

03/01/2011 10:30 AM

"Alpert, Dan (Bingaman)", "Wallace, Andrew (Tom Udall)", David

Gray

From:

"Baca, Terri Nikole" < Terrinikole. Baca@mail.house.gov>

To:

"Ramirez, Angela" <Angela.Ramirez@mail.house.gov>, "Ward, Stephen (Bingaman)"

<Stephen_Ward@bingaman.senate.gov>, Cynthia Fanning/R6/USEPA/US@EPA, "Nagle, Tom

(Tom Udall)" <Tom_Nagle@tomudall.senate.gov>

Cc:

"Alpert, Dan (Bingaman)" < Dan_Alpert@bingaman.senate.gov>, "Wallace, Andrew (Tom

Udall)" <Andrew_Wallace@tomudall.senate.gov>, David Gray/R6/USEPA/US@EPA

Archive:

This message is being viewed in an archive.

Hi Cynthia—I can get on at noon.

From: Ramirez, Angela

Sent: Tuesday, March 01, 2011 11:19 AM

To: 'Ward, Stephen (Bingaman)'; 'Fanning.Cynthia@epamail.epa.gov';

Nagle, Tom (Tom Udali)

Cc: Alpert, Dan (Bingaman); Wallace, Andrew (Tom Udall); Baca, Terri

Nikole; 'Gray.David@epamail.epa.gov'

Subject: RE: Call re San Juan extension request -- please reply ASAP

I have something at noon, but hopefully Terri Nikole with our office can get on the call in my stead?

From: Ward, Stephen (Bingaman) [

mailto:Stephen_Ward@bingaman.senate.gov] Sent: Tuesday, March 01, 2011 11:06 AM

To: 'Fanning.Cynthia@epamail.epa.gov'; Nagle, Tom (Tom Udall);

Ramirez, Angela

Cc: Alpert, Dan (Bingaman); Wallace, Andrew (Tom Udall); Baca, Terri

Nikole; 'Gray.David@epamail.epa.gov'

Subject: Re: Call re San Juan extension request -- please reply ASAP

I can, but for only 15 or so minutes

Sent from my BlackBerry Wireless Handheld

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Tuesday, March 01, 2011 10:52 AM

To: Nagle, Tom (Tom Udali); Ward, Stephen (Bingaman);

angela.ramirez@mail.house.gov <angela.ramirez@mail.house.gov>

Cc: Alpert, Dan (Bingaman); Wallace, Andrew (Tom Udall);

terrinikole.baca@mall.house.gov <terrinikole.baca@mail.house.gov>;

Gray.David@epamail.epa.gov <Gray.David@epamail.epa.gov>
Subject: Call re San Juan extension request -- please reply ASAP

Tom, Stephen and Angela -

My boss, Regional Administrator Al Armendariz, would like a few minutes of your time today to discuss the attached letter. Would you be available for a 15 min call to discuss the San Juan extension request at noon your time today? Please let me know ASAP so I can propose an alternate time if needed.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118

From:

Black, Jonathan (Tom Udall) [Jonathan Black@tomudall.senate.gov]

Sent:

Monday, March 04, 2013 4:08 PM

To:

Fanning, Cynthia

Subject:

RE: Brownfields success story, etc.

:) Thanks!

From: Fanning, Cynthia [mailto:fanning.cynthia@epa.gov]

Sent: Monday, March 04, 2013 4:18 PM

To: Black, Jonathan (Tom Udall)

Subject: RE: Brownfields success story, etc

Depends on how you constructed your filter. The universe reflected by the category "Brownfields Properties" includes assessments (meaning the site was tested for pollution – a cleanup may or may not be underway or even contemplated) and Revolving Loan Fund sites (where an entity received funds it could use to offer low-interest loans for the purpose of cleaning up or assessing sites – so several cleanups or assessments may be reflected by the single RLF grant).

Ah, transparency! Sometimes, in our efforts to make all information available, we make the simple questions difficult. I apologize if this is frustrating. If you have a simple question, I will do my best to get you a simple answer.

Cynthia Fanning

Congressional Liaison

U.S. Environmental Protection Agency, Region 6

Phone: 214-665-2142 Office: 214-665-2200

From: Black, Jonathan (Tom Udall) [mailto:Jonathan Black@tomudall.senate.gov]

Sent: Monday, March 04, 2013 2:46 PM

To: Fanning, Cynthia

Subject: RE: Brownfields success story, etc

I saw that, thanks. so those are sites that were cleaned up or in the process of being cleaned up.

From: Fanning, Cynthia [mailto:fanning.cynthia@epa.gov]

Sent: Monday, March 04, 2013 3:11 PM

To: Black, Jonathan (Tom Udall)

Subject: RE: Brownfields success story, etc.

Click on the orange circles and you will get a list of sites in that location, with links to more

information. Some cleanups are still in progress.

Cynthia Fanning

Congressional Liaison

U.S. Environmental Protection Agency, Region 6

Phone: 214-665-2142 Office: 214-665-2200

From: Black, Jonathan (Tom Udall) [mailto:Jonathan Black@tomudall.senate.gov]

Sent: Monday, March 04, 2013 1:51 PM

To: Fanning, Cynthia

Subject: RE: Brownfields success story, etc

Thanks again,

On the second link – the map with orange circles... are those all representative of past projects that were

cleaned up?

From: Fanning, Cynthia [mailto:fanning.cynthia@epa.gov]

Sent: Monday, March 04, 2013 10:51 AM

To: Black, Jonathan (Tom Udall)

Subject: Brownfields success story, etc

Route 66 success story

http://www.epa.gov/brownfields/success/route 66 ss.pdf

Brownfields cleanups in NM

http://jaspub.epa.gov/apex/cimc/f?p=255:63

Scroll down, click on NM, click on "Filter Cleanup Type" drop-down, uncheck all but

Brownfields

Brownfields law and statutes

http://www.epa.gov/brownfields/laws/index.htm

Let me know if you'd like more information or conversation!

Cynthia Fanning

Congressional Liaison

U.S. Environmental Protection Agency, Region 6

Phone: 214-665-2142 Office: 214-665-2200

2

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Cynthia Fanning Congressional Liaison

U.S. Environmental Protection Agency, Region 6

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Cynthia Fanning		
Congressional Liaison	•	
U.S. Environmental Protection Agency, Region 6	t Maria de la companya della companya de la companya de la companya della companya de la company	
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Let me know if you'd like more information or conversation!

Cynthia Fanning Congressional Liaison

U.S. Environmental Protection Agency, Region 6

Phone: 214-665-2142 Office: 214-665-2200

From:

Black, Jonathan (Tom Udall) [Jonathan_Black@tomudali.senate.gov]

Sent:

Monday, March 04, 2013 9:56 AM

To:

Fanning, Cynthia

Subject:

RE: Brownfields success story, etc

Thanks!

From: Fanning, Cynthia [mailto:fanning.cynthia@epa.gov]

Sent: Monday, March 04, 2013 10:51 AM

To: Black, Jonathan (Tom Udall)

Subject: Brownfields success story, etc

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Cynthia Fanning

Congressional Liaison

U.S. Environmental Protection Agency, Region 6

Phone: 214-665-2142 Office: 214-665-2200

From:

Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]

Sent:

Friday, February 08, 2013 3:05 PM

To: Subject: Fanning, Cynthia EPW Subcommittees

Cynthia,

Senator Udall is poised to chair the Subcommittee on Superfund, Toxics, and Environmental Health

He is also likely to become a sitting member of the following subcommittees:

Transportation and Infrastructure Clean Air and Nuclear Safety

I'm wondering what this means for us in NM.

Do you have a sense how these committees will overlap with issues in NM?

For example: NM has XX superfund sites

Thanks!

---JB

From:

Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]

Sent:

Wednesday, February 06, 2013 2:26 PM

To:

Fanning, Cynthia

Subject:

Re: Random budget question...

Wonderful. Thanks!!

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Wednesday, February 06, 2013 03:20 PM

To: Black, Jonathan (Tom Udall)

Subject: RE: Random budget question...

Jonathan -

Here are the numbers you requested. Please give me a call if you need an explanation of what these categories mean.

New Mexico Drinking Water/Waste Water Project Funds	
FY 12 Awards	
Drinking Water State Revolving Fund (SRF)	\$8,975,000
Drinking Water SRF Carryover from FY 11	\$9,418,000
CWA SRF	\$6,908,000
CWA SRF Carryover from FY 11	\$7,222,000
Congressional Add-on Carryover from FY 09	\$372,065
Drinking Water Tribal Set-aside	\$1,674,000
Clean Water Tribal Set-aside	\$2,090,674
Border Infrastructure (BECC/NADB) (approx)	\$1,000,000
Tribal General Assistance Program	\$35,000
Total	\$37,694,739

Cynthia Fanning
Congressional Liaison
US Environmental Protection Agency, Region 6
direct 214-665-2142
office 214-665-2200
fax 214-665-2118

From: ... "Black, Jonathan (Tom Udall)" < Jonathan Black@tomudall.senate.gov>

To: Cynthia Fanning/R6/USEPA/US@EPA

Date: 02/05/2013 04:14 PM

Subject: RE: Random budget question...

Thanks Cynthia, I think so. Two years ago, my boss did a speech and cited "\$68 million for water and wastewater projects."

I suppose that could be for program implementation, but I guess I'd be more interested in infrastructure.

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Tuesday, February 05, 2013 5:03 PM

To: Black, Jonathan (Tom Udall)

Subject: RE: Random budget question...

Jonathan -

Just to clarify, the number you want is for infrastructure projects only, not for program implementation -- correct?

Cynthia Fanning
Congressional Liaison
US Environmental Protection Agency, Region 6
direct 214-665-2142
office 214-665-2200
fax 214-665-2118

From: Cynthla Fanning/R6/USEPA/US

To: "Black, Jonathan (Tom Udail)" < Jonathan Black@tomudall.senate.gov>

Date: 01/31/2013 04:40 PM

Subject: RE: Random budget question...

Jonathan -

Sorry this is taking so long. There are several pots of money in several different places. It's taking me a little time to make sure I've got them all. I expect to get back with you tomorrow.

Cynthia Fanning
Congressional Liaison
US Environmental Protection Agency, Region 6
direct 214-665-2142
office 214-665-2200
fax 214-665-2118

From: "Black, Jonathan (Tom Udall)" < Jonathan Black@tomudali.senate.gov>

To: Cynthia Fanning/R6/USEPA/US@EPA

Date: 01/30/2013 04:58 PM

Subject: RE: Random budget question...

Thanks!

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Wednesday, January 30, 2013 5:44 PM

To: Black, Jonathan (Tom Udali)

Subject: Re: Random budget question...

I can find out.

Cynthia Fanning Congressional Liaison US Environmental Protection Agency, Region 6 direct 214-665-2142 office 214-665-2200 fax 214-665-2118

"Black, Jonathan (Tom Udall)" < <u>Jonathan Black@tomudall.senate.gov</u> > Cynthla Fanning/R6/USEPA/US@EPA From:

To:

Date: 01/30/2013 02:44 PM Random budget question... Subject:

Hello!

Random... do you know how much New Mexico got last year in federal funding for water and wastewater projects?

From:

Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]

Sent:

Tuesday, February 05, 2013 4:14 PM

To:

Fanning, Cynthia

Subject:

RE: Random budget question...

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Cynthia Fanning
Congressional Liaison
US Environmental Protection Agency, Region 6
direct 214-665-2142
office 214-665-2200
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From:

Cynthia Fanning/R6/USEPA/US

To: "Black, Jonathan (Tom Udall)" < <u>Jonathan Black@tomudall.senate.gov</u>> 01/31/2013 04:40 PM

Date: 01/31/ Subject: RE

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Cynthia Fanning Congressional Liaison US Environmental Protection Agency, Region 6 direct 214-665-2142 office 214-665-2200 fax 214-665-2118

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To:

Date: Subject: 01/30/2013 02:44 PM Random budget question...

Hello!

Random... do you know how much New Mexico got last year in federal funding for water and wastewater projects?

From:

Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]

Sent:

Tuesday, January 22, 2013 10:02 AM

To: Cc: MAIER, BRENT Fanning, Cynthia

Subject:

RE: Request to be added to distribution list for Sen. Tom Udall's office

Got it, thanks Brent. Cynthia and I have been in touch.

I'll look forward to your emails re: the Navajo Nation. I'd love to catch up with you sometime to get a brief run-down on what I should be expecting or looking for. Let me know and I'll drop you a call.

From: Maier.Brent@epamail.epa.gov [mailto:Maier.Brent@epamail.epa.gov]

Sent: Tuesday, January 22, 2013 10:54 AM

To: Black, Jonathan (Tom Udall) **Cc:** Fanning.Cynthia@epamail.epa.gov

Subject: Re: Request to be added to distribution list for Sen. Tom Udall's office

Jonathan -

Thanks for your message and request to be added to my contact distribution list for Sen. Tom Udall. I have added you to my list and you should receive all future announcements and notifications regarding the Navajo Nation which the EPA Region IX office handles because of our responsibility for the Navajo Nation. For other environmental issues in the State of New Mexico, you can reach out to my Congressional Liaison colleague in our Region VI office, Cynthia Fanning at the following contact information.

Cynthia Fanning, Congressional Liaison
US Environmental Protection Agency, Region 6

office 214-665-2200 fax 214-665-2118

Thanks again for your message and request.

Regards,

Brent

Brent Maier Congressional Liaison U.S. Environmental Protection Agency - Region IX 75 Hawthome St. (OPA-3) San Francisco, CA 94105

Telephone: 415.947.4256 Fax: 415.947.3519

E-mail: maier.brent@epa.gov

From: "Black, Jonathan (Tom Udall)" < Jonathan Black@tomudall.senate.gov > To: Brent Maier/R9/USEPA/US@EPA,

Date: 01/22/2013 06:20 AM

Subject: FW: Navajo Generating Station - Proposed BART Federal Implementation Plan

Brent, I'm now handling Energy and Environment for the Tom Udall office – Drew Wallace has been promoted to LD. Can you add me to any necessary email lists?

Thanks!

Are you involved in Congressional Relations for EPA?

From: Wallace, Andrew (Tom Udall)
Sent: Tuesday, January 22, 2013 9:12 AM

To: Black, Jonathan (Tom Udali)

Subject: FW: Navajo Generating Station - Proposed BART Federal Implementation Plan

From: Maier, Brent@epamail.epa.gov [mailto:Maier.Brent@epamail.epa.gov]

Subject: Navajo Generating Station - Proposed BART Federal Implementation Plan

Sent: Friday, January 18, 2013 10:13 AM

To: Alexander, Rosemary (McCain); Shay Saucedo; lauren.alfred@mail.house.gov; Matiella, Nick (McCain); tom.vanflein@mail.house.gov; Daniel Frey; Specht, Matthew (Flake); Penny Pew; Stilgenbauer, Rick (McCain); Jeremy Harrell; Tom Alston; Morse, Chandler (Flake); Voeller, Steve (Flake); Donoghue, Joe (McCain); Gormley, Gina (McCain); ken.montoya@mail.house.gov; carmen.gallus@mail.house.gov; Kiefer, Kris (Flake); ron.lee@mail.house.gov; iennifer.johnson@mail.house.gov; alexandra.teitz@mail.house.gov; marv.neumavr@mail.house.gov; beau.bronson@mail.house.gov; Chandler, Clint (Flake); Bill Godwin; Doug Gascon; Delich, Mark (McCain); Smith, Doug (McCain); Kielty, Meghan (McCain); Collins, Michael (Tom Udall); Wallace, Andrew (Tom Udall); Lukens, Jeanette (Tom Udall); Ortizwertheim, Bianca (Tom Udall); Curley, Calvert (Tom Udall); McCartin, Jude (Heinrich); Potter, Whitney (Heinrich); Haro, Steve (Heinrich); terrinikole.baca@mail.house.gov; andrew.jones@mail.house.gov; pete.valencia@mail.house.gov; mark.freeland@mail.house.gov; jennifer.catechis@mail.house.gov; Brown, Jared (Hatch); Casper, Marreen (Hatch); Bowen, Melanie (Hatch); Freeman, Michael (Lee); Schunk, Ellen (Lee); Iverson, Victor (Lee); dell.smith@mail.house.gov; brian.steed@mail.house.gov; Britton, Joe (Mark Udall); Adams, Wendy (Mark Udall); Cason, Wanda (Mark Udall); Rokala, Jennifer (Mark Udall); Babington, Sean (Bennet); Colvin, Grant (Bennet); Whitney, John (Bennet); jeff,small@mail.house.gov; adam.eckman@mail.house.gov; darlene.marcus@mail.house.gov; scott.streit@mail.house.gov; Chris Kaumo; Glenn Miller; brandon.bragato@mail.house.gov; ruben.reyes@mail.house.gov; Richard Patrick; elisa.delavara@mail.house.gov; brandon.bragato@mail.house.gov; martha.garcia@mail.house.gov; ruben.reyes@mail.house.gov; adam.deguire@mail.house.gov; chuck.gray@mail.house.gov; kevin.knight@mail.house.gov; aryeh.shudofsky@mail.house.goy; Bobby Cornett; dan.hay@mail.house.goy; Shari Farrington; michelle.davidson@mail.house.gov; justin.unga@mail.house.gov; jodee.winterhof@mail.house.gov Cc: McKaughan.Colleen@epamail.epa.gov; Lyons.Ann@epamail.epa.gov; Lee.Anita@epamail.epa.gov; Glosson.Niloufar@epamail.epa.gov; Keener.Bill@epamail.epa.gov; Zito.Kelly@epamail.epa.gov; Harris-Bishop,Rusty@epamail.epa.gov; Barkett.Bonnie@epamail.epa.gov; Lewis.Josh@epamail.epa.gov; Mackay.Cheryl@epamail.epa.gov; Vaught.Laura@epamail.epa.gov; Fanning.Cynthia@epamail.epa.gov; Fells,Sandy@epamail.epa.gov; Bowles.Jack@epamail.epa.gov; Raia,Anthony@epamail.epa.gov; Hannon.Arnita@epamail.epa.gov; Jordan.Deborah@epamail.epa.gov

Dear Colleagues:

Yesterday, EPA Regional Administrator Jared Blumenfeld signed a Federal Register Notice proposing additional nitrogen oxide (NOx) controls on Navajo Generating Station (NGS). This pollutant contributes to visibility impairment in 11 protected national parks and wilderness areas surrounding NGS.

EPA is proposing that Best Available Retrofit Technology (BART) is a plant-wide emission limit for NOx of 0.055 lb/MMBtu by 2018, which will reduce NOx emissions by 84%. This can be achieved with Selective Catalytic Reduction (SCR) in combination with the existing LNB/SOFA (low-NOx burners) the owners of NGS

voluntarily installed between 2009 and 2011. We are also proposing an Alternative to BART that provides more time for the installation of new controls to allow the owners of NGS to complete lease and other rights-of-way negotiations. The Alternative to BART relies on emission reduction credits from the early installation of the Low-NOx burners.

EPA has also evaluated, and is requesting comments, on two other alternatives that require additional emission reductions over longer timeframes in this notice. EPA may consider a longer timeframe for installing SCR if the owners of NGS achieve sufficient additional NOx reductions.

I am attaching the press release, fact sheet and a prepublication version of the Federal Register Notice. At approximately 8:00am PT on Friday morning you will be able to view this and other pertinent information at: http://www.epa.gov/region9/mediacenter/ngs/

If you have questions or need any additional information, please give me a call. I am out of the office on Friday, January 18, 2013, so if you wish to speak to my Air Division Associate Director colleague, Colleen McKaughan, you can reach her at 520.498.0118.

Regards,

Brent Maier Congressional Liaison Telephone: 415.947.4256

United States
Environmental Protection
Agency

Regional Administrator 75 Hawthorne Street San Francisco, CA 94105-3901 Arizona, California, Hawaii Nevada, Guam, and Pacific Territories



For Immediate Release: January 18, 2012

Media Contact: Rusty Harris-Bishop, 415-972-3140, harris-bishop.rusty@epa.gov

EPA Proposal for Navajo Generating Station Cuts Harmful Emissions 84%, Improves Visibility at National Parks, Protects Public Health

SAN FRANCISCO: The U.S. Environmental Protection Agency is proposing air pollution limits for Navajo Generating Station, one of the largest sources of harmful nitrogen oxide (NOx) emissions in the country. The 2,250 megawatt power coal-fired power plant is located on the Navajo Nation, less than 20 miles from the Grand Canyon, near Page, Ariz. and the Utah state line. Today's action aims to improve visibility, as required by Congress under the Clean Air Act, at 11 national parks and wilderness areas in the Southwest. Each year, more than 4 million people visit the Grand Canyon. However, many visitors cannot fully appreciate the spectacular vistas because of the veil of white or brown haze that hangs in the air, reducing visibility and dulling the natural beauty. Today's proposal would reduce the visibility impact from Navajo Generating Station (NGS) by an average 73% at the national parks and wilderness areas. It will also help protect public health – NOx reacts with other chemicals in the air to form ozone and fine particles, both associated with asthma, bronchitis, emphysema, and even premature death.

"By reducing emissions 84%, we will be able to breathe cleaner, healthier air and preserve the visibility essential to the economic vitality of the region," said Jared Blumenfeld, EPA's Regional Administrator for the Pacific Southwest. "The millions of tourists who visit national parks in Arizona and Utah every year will now be able see vistas once marred by pollution."

EPA's proposed emission limit can be achieved by installing an effective, readily available pollution control technology known as Selective Catalytic Reduction, which, in combination with the existing low-NOx burners the facility voluntarily installed between 2009 and 2011, would reduce emissions by 84%, or a total of 28,500 tons per year, by 2018.

EPA is proposing to give the plant an additional five years, until 2023, to install new controls to achieve the emission limit. This flexibility recognizes the importance of NGS to numerous tribes, and the environmental benefits provided by the early installation of low-NOx burners in 2009. EPA is also requesting comments on other options that could set longer timeframes for installing pollution controls if the facility can achieve additional emission reductions. EPA is prepared to issue a supplemental proposal if other approaches satisfy the Clean Air Act requirements and meet the stakeholders' needs.

EPA has engaged extensively with local tribes, the Salt River Project, the Central Arizona Project, the agricultural community and other stakeholders regarding impacts on power and water costs. EPA took into consideration more than 6,700 comments since the advanced notice of proposed rulemaking was first published in 2009.

Earlier this month, a joint statement signed by the EPA, Department of the Interior and Department of Energy commits each agency to helping develop "clean, affordable and reliable power, affordable and sustainable water supplies, and sustainable economic development, while minimizing negative impacts on those who currently obtain significant benefits from NGS, including tribal nations."

NGS is co-owned by several entities: the U.S. Bureau of Reclamation (24% share), Salt River Project, Los Angeles Dept. of Water & Power, Arizona Public Service, Nevada Power Company and Tucson Electric Power. A 90-day public comment period will begin upon publication of the notice in the Federal Register. During this time, EPA will hold public hearings in Arizona. For additional information on the proposal and opportunities to provide input, please go to: http://www.epa.gov/region9/mediacenter/ngs

###

Brent Maier Congressional Liaison U.S. Environmental Protection Agency - Region IX 75 Hawthorne St. (OPA-3) San Francisco, CA 94105

Telephone: 415.947.4256

Fax: 415.947.3519

E-mail: maier.brent@epa.gov



RE: Introduction over email Black, Jonathan (Tom Udall) to: Cynthia Fanning

01/15/2013 09:49 AM

From:

"Black, Jonathan (Tom Udall)" < Jonathan_Black@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to.

Oops, sorry. I was looking at 330EST/230CST. Work for you? If not, let me know what works after that time. I'm flexible at the moment.:)

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Tuesday, January 15, 2013 10:38 AM

To: Black, Jonathan (Tom Udall) Subject: RE: Introduction over email

Your time or mine?

Cynthia Fanning Congressional Liaison US Environmental Protection Agency, Region 6 direct 214-665-2142 office 214-665-2200 fax 214-665-2118

From:

"Black, Jonathan (Tom Udall)" < Jonathan_Black@tomudall.senate.gov>

To.

Cynthia Fanning/R6/USEPA/US@EPA

Date:

01/15/2013 09:27 AM

Subject:

RE: Introduction over email

Great! I'll call you at 330pm.

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Tuesday, January 15, 2013 10:25 AM

To: Black, Jonathan (Tom Udall)
Subject: RE: Introduction over email

Yes.

Cynthia Fanning Congressional Liaison US Environmental Protection Agency, Region 6 direct 214-665-2142 office 214-665-2200 fax 214-665-2118

From: "Black, Jonathan (Tom Udall)" < Jonathan_Black@tomudall.senate.gov>

To: Cynthia Fanning/R6/USEPA/US@EPA

Date: 01/15/2013 08:13 AM

Subject: RE: Introduction over email

Good Morning! Are you free today after 330pm EST/230pm CST? I could give you a call.

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Wednesday, January 09, 2013 6:54 PM

To: Black, Jonathan (Tom Udall)

Subject: RE: Introduction over email

I'm in a training class in the morning. How about now?

Cynthia Fanning Congressional Liaison US Environmental Protection Agency, Region 6 direct 214-665-2142 office 214-665-2200 fax 214-665-2118

From: "Black, Jonathan (Tom Udail)" < Jonathan_Black@tomudali.senate.gov>

To: Josh Lewis/DC/USEPA/US@EPA
Cc: Cynthia Fanning/R6/USEPA/US@EPA

Date: 01/09/2013 04:58 PM

Subject: RE: Introduction over email

Great, thanks Joshl

Happy New Year Cindy, I hope you're doing well. I was hoping to introduce myself and see if there was time to talk on the phone about issues I should expect to see out of New Mexico. I just started with the Tom Udall office and will be handling energy and environment issues for him. Is there a good time for me to call you?

Thanks! ---Jonathan

From: Lewis.Josh@epamail.epa.gov [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Wednesday, January 09, 2013 1:51 PM

To: Black, Jonathan (Tom Udall)
Cc: Fanning.Cynthia@epamail.epa.gov
Subject: Introduction over email

Jonathan,

I'm cc'ing Cindy from our Region 6 office in Dallas. As I mentioned on the phone, Cindy is our congressional liaison for New Mexico issues out of our Region 6 office in Dallas. I'll let you both take it from here in deciding which EPA/NM issues would be most pressing to discuss.

Josh Lewis USEPA/Office of Congressional and Intergovernmental Relations phone: 202-564-2095

fax: 202-501-1550



{In Archive} RE: Follow up

David Gray, Wallace, Andrew

Collins, Michael (Tom Udall) to: (Tom Udall)

(Tom Udall) , Alpert, Dan (Bingaman)

07/10/2012 02:11 PM

Cc: Cynthia Fanning

From:

"Collins, Michael (Tom Udall)" < Michael_Collins@tomudall.senate.gov>

To:

David Gray/R6/USEPA/US@EPA, "Wallace, Andrew (Tom Udall)"

<a href="mailto: , "Alpert, Dan (Bingaman)"

<Dan_Alpert@bingaman.senate.gov>

Cc:

Cynthia Fanning/R6/USEPA/US@EPA

Archive:

This message is being viewed in an archive.

1pm works on my end. I will be on. Thanks!

From: David Gray [mailto:Gray.David@epamail.epa.gov]

Sent: Tuesday, July 10, 2012 2:42 PM

To: Wallace, Andrew (Tom Udall); Alpert, Dan (Bingaman)

Cc: Cynthia Fanning; Collins, Michael (Tom Udall)

Subject: Re: Follow up

Congrats Drew. Let's plan for a brief discussion at 1 pm EST tomorrow. The call bridge is 866.299.3188 with code 2146652100

David

David Gray
Director
External and Government Affairs
US EPA
(214) 665-2200 office
(214) 789-2619 mobile
gray.david@epa.gov

From: "Wallace, Andrew (Tom Udall)" [Andrew_Wallace@tomudall.senate.gov]

Sent: 07/10/2012 06:10 PM GMT To: "Alpert, Dan (Bingaman)" <

Dan Alpert@bingaman.senate.gov>; David Gray

Cc: Cynthia Fanning; "Collins, Michael (Tom Udall)" <

Michael Collins@tomudall.senate.gov>

Subject: Re: Follow up

I'm out on paternity leave for a week or 2 so cc'ing our LD Mike Collins who's been following the issue here also so he can join or have

someone else in our office hop on. -Drew

Andrew Wallace Sen. Tom Udall (NM)

From: Alpert, Dan (Bingaman)

Sent: Tuesday, July 10, 2012 01:48 PM

To: 'David Gray' <Gray.David@epamail.epa.gov>; Wallace, Andrew

(Tom Udall)

Cc: Cynthia Fanning <Fanning.Cynthia@epamail.epa.gov>

Subject: RE: Follow up

Mr. Gray:

Thank you for your message. both 12:30 and 1 pm tomorrow are fine with me.

Regards, Dan Alpert

From: David Gray [mailto:Gray.David@epamail.epa.gov]

Sent: Tuesday, July 10, 2012 1:46 PM

To: Alpert, Dan (Bingaman); Wallace, Andrew (Tom Udall)

Cc: Cynthia Fanning Subject: Follow up

Dan and Drew,

I wonder if you would be available for a brief update on the NM FIP tomorrow. It would be with us and Ryan Flynn from NMED. We like to go over the plans for the next 90 days.

We could talk at 12:30 or 1 pm EST tomorrow. Let me know if that can work for you.

David

David Gray
Director
External and Government Affairs
US EPA
(214) 665-2200 office
(214) 789-2619 mobile
gray.david@epa.gov



{In Archive} RE: Notification list

Collins, Michael (Tom Udall) to: Cynthia Fanning

Cc: "Wallace, Andrew (Tom Udall)"

"Collins, Michael (Tom Udall)" <Michael_Collins@tomudall.senate.gov>

From: To:

Cynthia Fanning/R6/USEPA/US@EPA

Cc:

"Wallace, Andrew (Tom Udall)" <Andrew Wallace@tomudall.senate.gov>

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

Hi Cynthia-

Please send to Andrew Wallace in our office at Andrew_Wallace@tomudall.senate.gov. Thank you!

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Thursday, May 21, 2009 1:52 PM

To: Coilins, Michael (Tom Udall)

Subject: Notification list

Michael -

Since we are moving from a fax-based to an e-mail based notification system, I'd like to ask for your help in identifying email addresses for your office. To whom on your staff would you prefer us to send information? Do you want to be on the list? Is there one general mail box? Do you want to include some or all regional offices?

The kind of notifications I'm talking about is advance copies of news releases, Superfund site updates, public meeting notifications and such. Please let me know how we can best serve you. In advance, thank you for your assistance.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118 05/26/2009 08:38 AM



{In Archive} RE: AT & SF Superfund site open house Collins, Michael (Tom Udall) to: Cynthia Fanning

03/02/2009 02:47 PM

From:

"Collins, Michael (Tom Udall)" < Michael_Collins@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Archive:

This message is being viewed in an archive.

Great. Thank you!

----Original Message----

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Monday, March 02, 2009 3:41 PM

To: Collins, Michael (Tom Udall)

Subject: RE: AT & SF Superfund site open house

Michael -

NM's Superfund NPL sites are listed here: http://www.epa.gov/earthlr6/6sf/6sf-nm.htm. Please let me know if you have any questions!

~ * ~ * ~ * ~ * ~ * ~ * ~
Cynthia Fanning
Congressional Liaison
US EPA, Region 6
214-665-2142
fax 214-665-2118

From: "Collins, Michael (Tom Udall)" <Michael Collins@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Date:

03/02/2009 01:44 PM

Subject:

RE: AT & SF Superfund site open house.

Cynthia-Would it be possible to get a list of all the superfund sites in New Mexico? Thank you!

From: Fanning.Cynthia@epamail.epa.gov [
mailto:Fanning.Cynthia@epamail.epa.gov]
Sent:: Monday, March 02, 2009 2:43 PM
To: Alpert, Dan (Bingaman); Brunner, Terry
(Bingaman); Rodriguez,

Ernesto (Bingaman); john.blair@mail.house.gov;
heather.brewer@mail.house.gov; Collins, Michael (Tom
Udall); Cobb, Sarah
(Tom Udall)
Subject: AT & SF Superfund site open house

This is to let you know that EPA and the New Mexico Environment
Department (NMED) will hold an open house on March 10 in Albuquerque regarding the AT&SF Superfund site. Representatives of each agency will be available to discuss and answer questions from the community on current activity at the site. The open house will be at the Herman Sanchez Community Center, 1830 William, S.E., Albuquerque from 6:30 to 8:00 pm.

More information about the site is available at http://www.epa.gov/earthlr6/6sf/pdffiles/0600879.pdf. If you have any questions, or if your office plans to send a representative, please contact me.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118

From:

Curley, Calvert (Tom Udall) [Calvert_Curley@tomudall.senate.gov]

Sent:

Friday, March 29, 2013 12:49 PM

To:

Fanning, Cynthia

Subject:

RE: Northeast Church Rock EPA Record of Decision signed today

Hello Cynthia,

I appreciate the note. Can you please provide a copy of the decision. Thank you!

Cal H. Curley Field Representative U.S. Senator Tom Udall (NM) 219 Central Avenue NW, Suite 210 Albuquerque, NM 87102

From: Fanning, Cynthia [mailto:fanning.cynthia@epa.gov]

Sent: Friday, March 29, 2013 10:51 AM

Subject: Northeast Church Rock EPA Record of Decision signed today

This is to let your office know that EPA has finalized a milestone in reclaiming contaminated land for the Navajo Nation in New Mexico. EPA has selected the action that will be taken to address soils contaminated by previous uranium mining processes at the Northeast Church Rock Mine site, near Gallup. This action will return the Northeast Church Rock Mine site to the Navajo for unrestricted use. This decision was reached through an extensive coordination process with the Navajo Nation, the Nuclear Regulatory Commission, the Department of Energy and the New Mexico Environment Department.

Please let me know if you have any questions or if you would like a copy of the decision document.

Cynthia Fanning Congressional Liaison **U.S. Environmental Protection Agency**

Region 6, Dallas, TX Phone: 214-665-2142 Office: 214-665-2200



{In Archive} RE: Public meeting on Eagle Picher Superfund site in Socorro Sept. 1

Driggers, Elizabeth (Tom Udall)

08/30/2010 05:49 PM

To: Cynthia Fanning

From:

"Driggers, Elizabeth (Tom Udall)" <Elizabeth_Driggers@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Archive:

This message is being viewed in an archive.

Cynthia,

Thank you for the invite! Unfortunately, I won't be able to attend Wednesday evening but please continue to keep us in the loop as it progresses. Thanks again!

Warmly, Elizabeth

Elizabeth B. Driggers Field Representative United States Senator Tom Udall 505 S. Main, Suite 118 Las Cruces, NM 88001

Visit Senator Udall's homepage: tomudall.senate.gov









From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Tuesday, August 24, 2010 9:55 AM

Subject: Public meeting on Eagle Picher Superfund site in Socorro Sept.

1

This is to invite you to attend an availability session for the Socorro-area community with EPA and the New Mexico Environment Department regarding the Eagle Picher Superfund site. The site manager will discuss recent and future activities at the site. More information about the meeting is in the attached postcard. More information about the site is available at http://www.epa.gov/earth1r6/6sf/pdffiles/0600805.pdf.

Please let me know if you have any questions or if your office plans to

send a representative to the meeting.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



{In Archive} RE: FW: EPA Notifies States of Areas that Would Not Meet Lead Air Quality Standards

Driggers, Elizabeth (Tom Udall)

07/22/2010 12:26 PM

To: Cynthia Fanning

From:

"Driggers, Elizabeth (Tom Udall)" <Elizabeth_Driggers@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Archive:

This message is being viewed in an archive.

I totally agree! Thanks!

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Thursday, July 22, 2010 11:23 AM

To: Driggers, Elizabeth (Tom Udall)

Subject: Re: FW: EPA Notifies States of Areas that Would Not Meet Lead

Air Quality Standards

I've added you to my list. Thanks for forwarding Xochitl's message -- an "attagir!" is always nice!

~*~*~**

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118

From:

"Driggers, Elizabeth (Tom Udall)" <Elizabeth_Driggers@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Date:

07/22/2010 12:13 PM

Subject: FW: EPA Notifies States of Areas that Would Not Meet Lead Air Quality Standards

Hi Cynthia, I was hoping to get on your list serve since I've heard such good things about it! J

Thanks!

Elizabeth

Elizabeth B. Driggers Field Representative United States Senator Tom Udall 505 S. Main, Suite 118 Las Cruces, NM 88001

Visit Senator Udall's homepage: tomudall.senate.gov









From: Torres, Xochiti (Tom Udall) Sent: Tuesday, June 15, 2010 11:00 AM

To: Apodaca, Anna (Tom Udall); Driggers, Elizabeth (Tom Udall); Grajeda, Marco (Tom Udall) Subject: FW: EPA Notifies States of Areas that Would Not Meet Lead Air Quality Standards

Don't know if folks are on this list, but it's a good one.

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Tuesday, June 15, 2010 10:21 AM

Subject: EPA Notifies States of Areas that Would Not Meet Lead Air Quality Standards

This is to let you know that EPA has notified states of the initial list of areas that would not meet new, more protective air quality standards for lead. EPA has notified the state of New Mexico that we do not intend to complete the initial area designations for New Mexico at this time. Instead, EPA intends to designate all areas in New Mexico no later than October 12, 2011, in the second round of lead designations.

Copies of EPA's letters to Governor Richardson are attached. More information about the proposed designation will soon be available at http://epa.gov/leaddesignations/

Please let me know if you have any questions about this action.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



{In Archive} FW: EPA Notifies States of Areas that Would Not Meet Lead Air Quality Standards

Driggers, Elizabeth (Tom Udall)

07/22/2010 12:13 PM

To: Cynthia Fanning

From:

"Driggers, Elizabeth (Tom Udall)" <Elizabeth_Driggers@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

2 attachments



Log #535 NAQQS Lead Governor Letter New Mexico State pdf Log #535 NAQQS Lead Governor Letter New Mexico Albuquerque pdf

Hi Cynthia, I was hoping to get on your list serve since I've heard such good things about it! @

Thanks!

Elizabeth

Elizabeth B. Driggers Field Representative United States Senator Tom Udall 505 S. Main, Suite 118 Las Cruces, NM 88001

Visit Senator Udall's homepage: tomudall.senate.gov









From: Torres, Xochitl (Tom Udall) Sent: Tuesday, June 15, 2010 11:00 AM

To: Apodaca, Anna (Tom Udall); Driggers, Elizabeth (Tom Udall);

Grajeda, Marco (Tom Udall)

Subject: FW: EPA Notifies States of Areas that Would Not Meet Lead Air

Quality Standards

Don't know if folks are on this list, but it's a good one.

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Tuesday, June 15, 2010 10:21 AM

Subject: EPA Notifies States of Areas that Would Not Meet Lead Air

Quality Standards

This is to let you know that EPA has notified states of the initial list of areas that would not meet new, more protective air quality standards for lead. EPA has notified the state of New Mexico that we do not intend to complete the initial area designations for New Mexico at this time. Instead, EPA intends to designate all areas in New Mexico no later than October 12, 2011, in the second round of lead designations.

Copies of EPA's letters to Governor Richardson are attached. More information about the proposed designation will soon be available at http://epa.gov/leaddesignations/

Please let me know if you have any questions about this action.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS, TX 75202-2733

JUN 1 4 2010

The Honorable Bill Richardson Governor of New Mexico State Capitol, Room 400 Santa Fe, New Mexico 87501

Dear Governor Richardson:

Thank you for your recommendations on air quality designations for the revised National Ambient Air Quality Standards (NAAQS) for lead throughout New Mexico. Reducing levels of lead pollution is an important part of the U.S. Environmental Protection Agency's (EPA) commitment to a clean, healthy environment. Lead exposure can cause a range of adverse health effects, most notably in children. Exposures to low levels of lead early in life have been linked to effects on IQ, learning, memory and behavior. This letter is to notify you of EPA's response to New Mexico's designation recommendations, and to inform you of our approach for completing the designations for the revised lead NAAQS.

On October 15, 2008, EPA substantially strengthened NAAQS for lead. The new standards, set at 0.15 micrograms per cubic meter ($\mu g/m^3$), are 10 times tighter than the previous standards. In conjunction with strengthening the lead NAAQS, EPA also established new criteria for siting ambient lead monitors. The pre-existing ambient lead monitoring network was inadequate for determining whether many areas are meeting the revised lead NAAQS. Monitors meeting the new network siting requirements were to begin operation January 1, 2010.

The Clean Air Act requires EPA to complete the initial designation process within two years of promulgating a new or revised NAAQS. If the Administrator has insufficient information to make these designations, EPA has the authority to extend the designation process by up to one year. In light of the new monitoring network which will generate additional information in the upcoming year, EPA intends to complete the lead designations in two rounds. In the first round, to be completed by October, 15, 2010, EPA is designating as "nonattainment" any area that is violating the 2008 lead NAAQS based on data from the pre-2010 monitoring network. For all other areas, EPA is extending the deadline for designations by up to one year so that data from the newly deployed monitors can be considered in making appropriate designation decisions. EPA will complete the second round of lead designations no later than October 15, 2011.

We have reviewed New Mexico's September 24, 2009, recommendation letter on air quality designations and all the associated technical information for the 2008 lead NAAQS, including, if available, the most recent air quality data from 2007-2009. However, EPA is not intending to complete the initial area designations for your state at this time. Instead, EPA intends to designate all areas in your state no later than October 15, 2011, in the second round of lead designations. If you would like to submit updated recommendations for your areas for our

Letter to Governor Richardson Page 2

consideration in the second round of designations, we request that you do so by December 15, 2010. For the second round of designations, we will notify all states and tribes of our preliminary responses to their recommendations no later than June 17, 2011.

We look forward to a continued dialogue with you and your staff as we work together to implement the 2008 lead NAAQS. If you have any questions, please call me at (214) 665-2100, or your staff may call Mr. Emad Shahin of my staff at (214) 665-6717.

1 Amendariz

Regional Administrator

cc: Mr. Ron Curry

Secretary, New Mexico Environmental Department

Ms. Mary Uhl

Chief, Air Quality Bureau, New Mexico Environmental Department



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS, TX 75202-2733

JUN 1 4 2010

The Honorable Bill Richardson Governor of New Mexico State Capitol, Room 400 Santa Fe, New Mexico 87501

Dear Governor Richardson:

Thank you for your recommendations on air quality designations for the revised National Ambient Air Quality Standards (NAAQS) for lead throughout Albuquerque/Bernalillo County, New Mexico. Reducing levels of lead pollution is an important part of the U.S. Environmental Protection Agency's (EPA) commitment to a clean, healthy environment. Lead exposure can cause a range of adverse health effects, most notably in children. Exposures to low levels of lead early in life have been linked to effects on IQ, learning, memory and behavior. This letter is to notify you of EPA's response to New Mexico's designation recommendations on behalf of Albuquerque/Bernalillo County, and to inform you of our approach for completing the designations for the revised lead NAAQS.

On October 15, 2008, EPA substantially strengthened NAAQS for lead. The new standards, set at 0.15 micrograms per cubic meter (µg/m³), are 10 times tighter than the previous standards. In conjunction with strengthening the lead NAAQS, EPA also established new criteria for siting ambient lead monitors. The pre-existing ambient lead monitoring network was inadequate for determining whether many areas are meeting the revised lead NAAQS. Monitors meeting the new network siting requirements were to begin operation January 1, 2010.

The Clean Air Act requires EPA to complete the initial designation process within two years of promulgating a new or revised NAAQS. If the Administrator has insufficient information to make these designations, EPA has the authority to extend the designation process by up to one year. In light of the new monitoring network which will generate additional information in the upcoming year, EPA intends to complete the lead designations in two rounds. In the first round, to be completed by October, 15, 2010, EPA is designating as "nonattainment" any area that is violating the 2008 lead NAAQS based on data from the pre-2010 monitoring network. For all other areas, EPA is extending the deadline for designations by up to one year so that data from the newly deployed monitors can be considered in making appropriate designation decisions. EPA will complete the second round of lead designations no later than October 15, 2011.

We have reviewed New Mexico's April 23, 2009, recommendation letter on air quality designations for Bernalillo County and all the associated technical information for the 2008 lead NAAQS, including, if available, the most recent air quality data from 2007-2009. However, EPA is not intending to complete the initial area designations for your state at this time. Instead,

Letter to Governor Richardson Page 2

EPA intends to designate all areas in your state no later than October 15, 2011, in the second round of lead designations. If you would like to submit updated recommendations for your areas for our consideration in the second round of designations, we request that you do so by December 15, 2010. For the second round of designations, we will notify all states and tribes of our preliminary responses to their recommendations no later than June 17, 2011.

We look forward to a continued dialogue with you and your staff as we work together to implement the 2008 lead NAAQS. If you have any questions, please call me at (214) 665-2100, or your staff may call Mr. Emad Shahin of my staff at (214) 665-6717.

Il Wer

Al Armendariz
Regional Administrator

cc: Mr. Ron Curry

Secretary, New Mexico Environmental Department

Ms. Mary Lou Leonard
Acting Director, Air Quality Division
Environmental Health Department, City of Albuquerque



Re: Colonias water research project NMSU Health Sciences Goodman, Melanie (Tom Udall) to: Cynthia Fanning

10/31/2012 06:50 PM

From:

"Goodman, Melanie (Tom Udall)" <Melanie_Goodman@tomudali.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Thanks! Happy halloween!

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Wednesday, October 31, 2012 05:49 PM

To: Goodman, Melanie (Tom Udali)

Subject: Re: Colonias water research project NMSU Health Sciences

Melanie -

Thank you for your patience as I worked with the National Center for Environmental Research (NCER) to obtain the answer to your question.

NCER recently completed the final review of the human subjects requirements for this grant. NCER has determined the application complies with EPA regulations regarding protection of human subjects and the study may proceed. A copy of the NCER's memo on the issue is attached. If your constituent should have further questions about this grant, she may contact EPA's project officer, Ms. Angela Page, at (703) 347-8046 or page.angelad@epa.gov.

I hope this information is helpful. If you have any questions, please contact me.

Cynthia Fanning Congressional Liaison US Environmental Protection Agency, Region 6 direct 214-665-2142 office 214-665-2200 fax 214-665-2118

From:

"Goodman, Melanie (Tom Udall)" < Melanie_Goodman@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Cc:

"Grajeda, Marco (Tom Udall)" <Marco_Grajeda@tomudall.senate.gov>

Date:

10/22/2012 05:17 PM

HI Cynthia, Hope you're doing well.

I was hoping you might be able to check into the status of an EPA IRB approval that is pending for a research project being conducted by New Mexico State University with EPA funding. The study, titled Point of Use Drinking Water Treatment in the Paso del Norte Region, will evaluate the effectiveness of installing point-of-use water treatment devices, specifically filters, in homes located in the colonias of Southern New Mexico and West Texas. The Principal Investigator is Rebecca Palacios, and her question is outlined in her email below.

Thanks for any assistance you can provide, and let me know if there is any more information you need from me.

Best regards, Melanie

Melanie Goodman Field Representative Office of U.S. Senator Tom Udall

201 North Church Street, Suite 201B Las Cruces, NM 88011

Connect with Tom at tomudall.senate.gov



From: Rebecca Palacios [mailto:rpalacio@ad.nmsu.edu]

Sent: Tuesday, October 16, 2012 5:09 PM

To: Goodman, Melanie (Tom Udall)

Cc: Dulin, Paul, DOH; Sanchez, Angie, DOH; Karen Nichols;

martin.lopez@LRGauthority.org

Subject: RE: News article - colonias water research project NMSU Health

Sciences

Hi Melanie,

Thank you for your interest in our research. I'd like to mention that Paul Dulin and Angie Sanchez from the Border Health Office are assisting us with their promotora network in recruiting colonia residents for our study. They have been an incredible resource and I was hoping they would be mentioned in the article since we did cover this in the interview. Assisting us in defining colonia pockets of residents without access to public water services are Karen Nichols and Martin Lopez from Lower Rio Grande Public Water Works Authority and Luis Marmolejo from the Community Development Department, DAC. Diana Bustamante from the CDC is also assisting us in announcing the study and connecting us to other community partners with interest in this work. As you can see, our community partners have been essential to facilitating this project. We have similar community partnerships assisting us in El Paso County.

Our efforts to complete the first phase of this study have been stalled by the funding source, the EPA, who insists on conducting a third Human Subjects Protocol Review of our study even though both UTEP and NMSU IRB Boards have already approved the project. We hope to hear this review has been approved in the very near future so that we can continue to move forward with our project to aid our colonia residents in need of these filtration systems.

Let me know if you have any questions on our work.

Rebecca Palacios, PhD
Assistant Professor
Department of Public Health Sciences

New Mexico State University

From: Goodman, Melanie (Tom Udall) [
mailto:Melanie_Goodman@tomudall.senate.gov]
Sent: Tuesday, October 16, 2012 10:33 AM
To: terry.brunner@nm.usda.gov; 'rpalacio@nmsu.edu'; Esperanza
Holguin (Esperanza.A.Holguin@hud.gov); Olga Sanchez (
olgams@rcac.org); Priscilla C. Lucero (priscillalucero@gilanet.com);
'hqsnmedd@plateautel.net'; Jay Armijo (jarmijo@sccog-nm.com); 'Dulin,
Paul, DOH'; Diana Bustamante (dbustamante@zianet.com);
sandra.alarcon@nm.usda.gov; Alpert, Dan (Bingaman); Parker, Dara
(Bingaman); Clyde F. Hudson (clyde.hudson@nm.usda.gov)
Cc: Mark Kittleson; tadera@nmsu.edu; Grajeda, Marco (Tom Udall)
Subject: FW: News article - colonias water research project NMSU Health
Sciences

Dr. Palacios, I was very interested in learning about this effort.

I am copying this link to the article to some of our contacts with USDA Rural Development, HUD, Regional Council of Governments, Colonias Development Council, Border Health Office, Rural Community Assistance Corporation, as well as Senator Bingaman's office. All these folks may have an interest in water and wastewater projects in the colonias.

Thanks for your work.

Best regards, Melanie

Melanie Goodman Field Representative Office of U.S. Senator Tom Udall

201 North Church Street, Suite 201B Las Cruces, NM 88011

Connect with Tom at tomudall.senate.gov



From: Mark Kittleson [mailto:kittle@ad.nmsu.edu]

Sent: Tuesday, October 16, 2012 8:38 AM

To: Anup Amatya (aamatya@nmsu.edu); Bertha Perez;

ckozel@nmsu.edu; ckratzke@nmsu.edu; Francoise; Francoise Grossman; Joseph Gladstone; irobins3@nmsu.edu; Karen Rishel; Letty; Lupe Blazon; myoung@nmsu.edu; rpalacio@nmsu.edu; sakrishn@nmsu.edu; Satya Rao: sforster@nmsu.edu; Susan Cardenas; wilsonsl@nmsu.edu; Bruce Parsons; Carmen Maynes; Hector Balcazar; Jackie Williams; JoAnne Bates; John Andazola; Kristine Tollestrup; Lisa Cacari-Stone; Goodman, Melanie (Tom Udall); Michael Kelly; Paul Dulin; Ray Stewart; Richard Skaggs; Sharon Thompson; Travis Leyva; Amy Pilley; Beth Renick; Candyce Luna; Caroline Martin; chris00@nmsu.edu; Janine Weitzell; Laura Valentino; mayrah@nmsu.edu; murad@nmsu.edu; spohn@nmsu.edu; Swati Somuri; tlorenzo@nmsu.edu; Bruce Ragon; Dale Ritzel; DT; Estela Hartley; ggarrett@nmsu.edu; huperesa@nmsu.edu; Jeff Brandon; Karl Larson; katyredd@nmsu.edu; Kelly Yokum; Liz England-Kennedy; Mail Oushy; ncuzzola@nmsu.edu; stephenl@nmsu.edu; tbrandon@nmsu.edu; Thomas Ruiz; thomka@nmsu.edu

Cc: Aida Lopez; Donna Wagner; Jane Boykin; Jennifer Cervantes (jcervant@nmsu.edu); Michael Young; Nancy Fritsch; Robert Nosbisch; Tilahun Adera (tadera@nmsu.edu); Yvonne Tellez Subject: News article

Very nice article about Dr. Palacios can be found at http://www.lcsun-news.com/las_cruces-news/ci_21772460/nmsu-researcher-s tudies-ways-provide-cleaner-water-colonia

Mark J. Kittleson, PhD, FAAHB, FAAHE
Department Head and Professor of Public Health Sciences
New Mexico State University

'We ARE Public Health'





RE: Colonias water research project NMSU Health Sciences Goodman, Melanie (Tom Udall) to: Cynthia Fanning

10/22/2012 05:38 PM

From:

"Goodman, Melanie (Tom Udall)" <Melanie_Goodman@tomudali.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Thanks!

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Monday, October 22, 2012 4:32 PM

To: Goodman, Melanie (Tom Udall)

Subject: Re: Colonias water research project NMSU Health Sciences

Nevermind! I found it. http://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/display.abstract detail/abstract/9611/report/0

Cynthia Fanning Congressional Liaison US Environmental Protection Agency, Region 6 direct 214-665-2142 office 214-665-2200 fax 214-665-2118

"Goodman, Melanie (Tom Udali)" <Melanie_Goodman@tomudail.senate.gov> From:

To: Cynthia Fanning/R6/USEPA/US@EPA

Cc: "Grajeda, Marco (Tom Udall)" <Marco_Grajeda@tomudall.senate.gov>

10/22/2012 05:17 PM Date:

Colonias water research project NMSU Health Sciences

HI Cynthia, Hope you're doing well.

I was hoping you might be able to check into the status of an EPA IRB approval that is pending for a research project being conducted by New Mexico State University with EPA funding. The study, titled Point of Use Drinking Water Treatment in the Paso del Norte Region, will evaluate the effectiveness of installing point-of-use water treatment devices, specifically filters, in homes located in the colonias of Southern New Mexico and West

Texas. The Principal Investigator is Rebecca Palacios, and her question is outlined in her email below.

Thanks for any assistance you can provide, and let me know if there is any more information you need from me.

Best regards, Melanie

Melanie Goodman Field Representative Office of U.S. Senator Tom Udall

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Connect with Tom at tomudall.senate.gov



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Sent: Tuesday, October 16, 2012 5:09 PM

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Cc: Dulin, Paul, DOH; Sanchez, Angie, DOH; Karen Nichols;

martin.lopez@LRGauthority.org

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Let me know if you have any questions on our work.

Rebecca Palacios, PhD
Assistant Professor
Department of Public Health Sciences
New Mexico State University

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mailto:Melanie_Goodman@tomudall.senate.gov]
Sent: Tuesday, October 16, 2012 10:33 AM

To: terry.brunner@nm.usda.gov; 'rpalacio@nmsu.edu'; Esperanza Holguin (Esperanza.A.Holguin@hud.gov); Olga Sanchez (olgams@rcac.org); Priscilla C. Lucero (priscillalucero@gilanet.com); 'hqsnmedd@plateautel.net'; Jay Armijo (jarmijo@sccog-nm.com); 'Dulin, Paul, DOH'; Diana Bustamante (dbustamante@zianet.com); sandra.alarcon@nm.usda.gov; Alpert, Dan (Bingaman); Parker, Dara (Bingaman); Clyde F. Hudson (clyde.hudson@nm.usda.gov)
Cc: Mark Kittleson; tadera@nmsu.edu; Grajeda, Marco (Tom Udall)

Subject: FW: News article - colonias water research project NMSU Health Sciences

Dr. Palacios, I was very interested in learning about this effort.

I am copying this link to the article to some of our contacts with USDA Rural Development, HUD, Regional Council of Governments, Colonias Development Council, Border Health Office, Rural Community Assistance Corporation, as well as Senator Bingaman's office. All these folks may have an interest in water and wastewater projects in the colonias.

Thanks for your work.

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201 North Church Street, Suite 201B Las Cruces, NM 88011

Connect with Tom at tomudall.senate.gov



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Sent: Tuesday, October 16, 2012 8:38 AM

To: Anup Amatya (aamatya@nmsu.edu); Bertha Perez; ckozel@nmsu.edu; ckratzke@nmsu.edu; Francoise; Francoise Grossman; Joseph Gladstone; jrobins3@nmsu.edu; Karen Rishel; Letty; Lupe Blazon; myoung@nmsu.edu; rpalacio@nmsu.edu; sakrishn@nmsu.edu; Satya Rao; sforster@nmsu.edu; Susan Cardenas; wilsonsl@nmsu.edu; Bruce Parsons; Carmen Maynes; Hector Balcazar; Jackie Williams; JoAnne Bates; John Andazola; Kristine Tollestrup; Lisa Cacari-Stone; Goodman, Melanie (Tom Udall); Michael Kelly; Paul Dulin; Ray Stewart; Richard Skaggs; Sharon Thompson; Travis Leyva; Amy Pilley; Beth Renick; Candyce Luna; Caroline Martin; chris00@nmsu.edu; Janine Weitzell; Laura Valentino; mayrah@nmsu.edu; murad@nmsu.edu; spohn@nmsu.edu; Swati Somuri; tlorenzo@nmsu.edu; Bruce Ragon; Dale Ritzel; DT; Estela Hartley; ggarrett@nmsu.edu; huperesa@nmsu.edu; Jeff Brandon; Karl Larson; katyredd@nmsu.edu; Kelly Yokum; Liz England-Kennedy; Mail Oushy; ncuzzola@nmsu.edu; stephenl@nmsu.edu; tbrandon@nmsu.edu; Thomas Ruiz; thomka@nmsu.edu

Cc: Aida Lopez; Donna Wagner; Jane Boykin; Jennifer Cervantes (
jcervant@nmsu.edu); Michael Young; Nancy Fritsch; Robert Nosbisch;
Tilahun Adera (tadera@nmsu.edu); Yvonne Tellez
Subject: News article

Very nice article about Dr. Palacios can be found at http://www.lcsun-news.com/las_cruces-news/ci_21772460/nmsu-researcher-s tudies-ways-provide-cleaner-water-colonia

Mark J. Kittleson, PhD, FAAHB, FAAHE
Department Head and Professor of Public Health Sciences
New Mexico State University

'We ARE Public Health'





RE: EPA security breach may affect individual in Organ, NM Goodman, Melanie (Tom Udall) to: Cynthia Fanning

09/24/2012 01:05 PM

From:

"Goodman, Melanie (Tom Udall)" <Melanie_Goodman@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to.

Thanks Cynthia. By the way, you can remove Anna Apodaca from this list. She's no longer with the office.

From: Cynthia Fanning [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Monday, September 24, 2012 11:55 AM

To: Wallace, Andrew (Tom Udall); Ortizwertheim, Bianca (Tom Udall); Goodman, Melanie (Tom Udall); Apodaca, Anna (Tom Udall); Driggers,

Elizabeth (Tom Udall); Grajeda, Marco (Tom Udall)

Cc: Carolyn Levine

Subject: EPA security breach may affect individual in Organ, NM

I wanted to make you aware that EPA is notifying an individual in your state regarding a security incident that may have publicly exposed confidential information such as social security number, home address and bank routing and account information in connection with EPA's cleanup activities at the Stephenson-Bennett site in Organ, NM. As part of the cleanup, the resident provided EPA with personally identifiable information, which was maintained on an EPA computer system.

To minimize any financial risk to individuals affected, EPA is offering free credit monitoring services for one year. The agency has also established a hotline for affected individuals to call. The security incident took place in late March 2012. EPA conducted a risk analysis of it and the analysis indicates it is unlikely the personal information has been used. Vigilantly keeping data secure from increasingly sophisticated cyber threats is a top priority at EPA and throughout the public and private sectors. The agency has already added new safeguards in response to this incident.

EPA's Chief Information Officer, Malcolm Jackson, has sent a letter to affected individuals that makes clear that EPA believes it is highly unlikely that any of this information was compromised and outlines several steps that can be taken as a precaution.

If you have questions, or would like more information, please

contact me or Carolyn Levine of EPA HQ at (202) 564-1859.

Cynthia Fanning
Congressional Liaison
US Environmental Protection Agency, Region 6
direct 214-665-2142
office 214-665-2200
fax 214-665-2118



{In Archive} Tribal Liaison Lopez, Michael (Tom Udall) to: Cynthia Fanning

11/17/2009 05:21 PM

From:

"Lopez, Michael (Tom Udall)" < Michael_Lopez@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

Cynthia,

I am the Tribal Liaison for Senator Udall and would like to be included on your email list. Thank you.



(In Archive) Aquifer Exemption Lukens, Jeanette (Tom Udall) to: Cynthia Fanning

05/01/2012 11:53 AM

From:

"Lukens, Jeanette (Tom Udail)" < Jeanette_Lukens@tomudail.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

Cynthia,

We've gotten a flood of petitions requesting that Region 6 revoke the aquifer exemption granted to Hydro Resources, Inc. in1989 for mining in Church Rock, New Mexico, so I wanted to check in with you to see if the region is reviewing the aquifer exemption, or if there has been any further movement related to the proposed in-situ mine on the EPA's part. The exemption is for the proposed mine site at the southeast ¼ section of Section 8, Township 16 North, Range 16 West ("Section 8").

Thanks, Jeanette

Jeanette Lyman Lukens Legislative Assistant Office of Senator Tom Udall

Connect with Tom at tomudall.senate.gov









Fanning, Cynthia

From:

Lukens, Jeanette (Tom Udali) [Jeanette_Lukens@tomudali.senate.gov]

Sent:

Friday, March 29, 2013 11:04 AM

To:

Fanning, Cynthia

Subject:

RE: NECR Record of Decision signed today

Thanks!

From: Fanning, Cynthia [mailto:fanning.cynthia@epa.gov]

Sent: Friday, March 29, 2013 12:00 PM To: Lukens, Jeanette (Tom Udall)

Subject: RE: NECR Record of Decision signed today

File(s) were sent to you using WinZip ZipSend, the fastest way to send large files.

Download now: UNC OU2 ROD Final 032913 (2).zip

Expires: Friday, April 05, 2013 11:59:55 AM



Yes. See attached or give me a call.

Cynthia Fanning
Congressional Liaison

U.S. Environmental Protection Agency, Region 6

Phone: 214-665-2142 Office: 214-665-2200

From: Lukens, Jeanette (Tom Udall) [mailto:Jeanette Lukens@tomudall.senate.gov]

Sent: Friday, March 29, 2013 10:51 AM

To: Fanning, Cynthia

Subject: RE: NECR Record of Decision signed today

Do you have more info on the details?

From: Fanning, Cynthia [mailto:fanning.cynthia@epa.gov]

Sent: Friday, March 29, 2013 11:39 AM

Subject: NECR Record of Decision signed today

This is to let your office know that EPA has finalized a milestone in reclaiming contaminated land for the Navajo Nation in New Mexico. EPA has selected the action that will be taken to address soils contaminated by previous uranium mining processes at the Northeast Church Rock Mine site, near Gallup. This action will return the Northeast Church Rock Mine site to the Navajo for unrestricted use. This decision was reached through an extensive coordination process with the Navajo Nation,

the Nuclear Regulatory Commission, the Department of Energy and the New Mexico Environment Department.

Please let me know if you have any questions or if you would like a copy of the decision document.

Cynthia Fanning

Congressional Liaison
U.S. Environmental Protection Agency, Region 6

Phone: 214-665-2142 Office: 214-665-2200

Fanning, Cynthia

From:

Lukens, Jeanette (Tom Udall) [Jeanette_Lukens@tomudall.senate.gov]

Sent:

Friday, March 29, 2013 10:51 AM

To: Subject: Fanning, Cynthia RE: NECR Record of Decision signed today

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Cynthia Fanning
Congressional Liaison

U.S. Environmental Protection Agency, Region 6

Phone: 214-665-2142 Office: 214-665-2200 aquifer exemption granted to Hydro Resources, Inc. in1989 for mining in Church Rock, New Mexico, so I wanted to check in with you to see if the region is reviewing the aquifer exemption, or if there has been any further movement related to the proposed in-situ mine on the EPA's part. The exemption is for the proposed mine site at the southeast ¼ section of Section 8, Township 16 North, Range 16 West ("Section 8").

Thanks, Jeanette

Jeanette Lyman Lukens Legislative Assistant Office of Senator Tom Udall

Connect with Tom at tomudall.senate.gov











(In Archive) RE: Aquifer Exemption Lukens, Jeanette (Tom Udall) to: Cynthia Fanning

05/02/2012 02:50 PM

From:

"Lukens, Jeanette (Tom Udall)" < Jeanette_Lukens@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Archive:

This message is being viewed in an archive.

Very helpful, thank you!

From: Cynthia Fanning [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Wednesday, May 02, 2012 3:28 PM

To: Lukens, Jeanette (Tom Udall) Subject: Re: Aquifer Exemption

Jeanette -

Thank you for your inquiry on the Hydro-Resources, Inc. aquifer exemption. EPA Regions 6 and 9 met with the Navajo Nation in March to discuss this issue. EPA agreed to reassess the facts underlying our 1989 aquifer exemption approval. We expect the reassessment and coordination with the New Mexico Environment Department to take at least six months. We will inform your office when our reassessment is complete.

I hope this information is helpful. Please let me know if you have any further questions or if I may be of additional assistance.

Cynthia Fanning
Congressional Liaison
US Environmental Protection Agency, Region 6
direct 214-665-2142
office 214-665-2200
fax 214-665-2118

From:

"Lukens, Jeanette (Tom Udall)" < Jeanette_Lukens@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Date:

05/01/2012 11:53 AM

Subject:

Aquifer Exemption

Cynthia,

We've gotten a flood of petitions requesting that Region 6 revoke the



{In Archive} RE: Region 9 Questions

Lukens, Jeanette (Tom Udail) to: Carolyn Levine

Cc: Brent Maier, Cynthia Fanning, Raquel Snyder

From:

"Lukens, Jeanette (Tom Udail)" < Jeanette_Lukens@tomudail.senate.gov>

To:

Carolyn Levine/DC/USEPA/US@EPA

Cc:

Brent Maier/R9/USEPA/US@EPA, Cynthia Fanning/R6/USEPA/US@EPA, Raquel

04/11/2012 08:55 AM

Snyder/DC/USEPA/US@EPA

Archive:

This message is being viewed in an archive.

Thank you all

From: Carolyn Levine [mailto:Levine.Carolyn@epamail.epa.gov]

Sent: Tuesday, April 10, 2012 5:35 PM To: Lukens, Jeanette (Tom Udall)

Cc: Brent Maier; Cynthia Fanning; Raquel Snyder

Subject: Re: Region 9 Questions

hi Jeannette,

I am cc'ing my counterparts in both Region 9 (Brent) and Region 6 (Cynthia). We will work on responding to your questions.

Carolyn Levine U.S. EPA/Office of Congressional Affairs (202) 564-1859 FAX: (202) 501-1550

"Lukens, Jeanette (Tom Udall)" ---04/10/2012 05:06:04 PM---Carolyn, Could you help put me in touch with the appropriate person to answer the questions below

From: "Lukens, Jeanette (Tom Udali)" <Jeanette_Lukens@tomudall.senate.gov>

To: Carolyn Levine/DC/USEPA/US@EPA

Date: 04/10/2012 05:06 PM Subject: Region 9 Questions

Carolyn,

Could you help put me in touch with the appropriate person to answer the questions below about areas in Region 9?

- What is the status of the Black Falls area? (e.g. Are there multiple mine sites? A mill site? What is the cleanup status? What is the contamination level?
- I believe the Toh Haach'iid Spring in the Black Falls area, was closed or marked as having high levels of contamination, and water was

trucked to the area?? Is that continuing? What is the status of the spring? Do the families in the area have access to clean water?

• Also in the Black Falls area, I believe there is an earthen dam stock pond that has significant contamination, and that residents would like closed up? You may need more details than that, but if we could get an update on what the situation with the pond, that would be great.

Thanks, Jeanette

Jeanette Lyman Lukens Legislative Assistant Office of Senator Tom Udall

Connect with Tom at tomudall.senate.gov

DALLUPDATE
enewsletter SIGN UP



{In Archive} Automatic reply: Updated EPA fact sheet for Grants Chlorinated Solvents site

Lyman, Jeanette (Tom Udall) to: Cynthia Fanning

02/08/2012 01:49 PM

From:

"Lyman, Jeanette (Tom Udall)" < Jeanette_Lyman@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Archive:

This message is being viewed in an archive.

Thank you for contacting me. I will be out of the office without access to email until February 9th. For immediate assistance, please call 202-224-6621.



{In Archive} FW: EPA News Release: EPA Awards \$1.5 Million in Recovery Act Funds to Clean Up Underground Petroleum Leaks in New Mexico Lyman, Jeanette (Tom Udall) to: Cynthia Fanning 07/09/2009 12:18 PM

From:

"Lyman, Jeanette (Tom Udall)" < Jeanette_Lyman@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

1 attachment

R6_ARRA_LUST_NM_rel.pdf

Do you by chance have specifics on locations in NM that have cleanup projects that will use this money? Thanks. Jeanette

From: Collins, Michael (Tom Udall) Sent: Thursday, July 09, 2009 10:38 AM

To: Padilla, Marissa (Tom Udall); Simon, Sam (Tom Udall); Wallace,

Andrew (Tom Udali); Lyman, Jeanette (Tom Udali)

Subject: FW: EPA News Release: EPA Awards \$1.5 Million in Recovery Act Funds to Clean Up Underground Petroleum Leaks in New Mexico

From: Fanning, Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Thursday, July 09, 2009 10:33 AM

Subject: EPA News Release: EPA Awards \$1.5 Million in Recovery Act Funds to Clean Up Underground Petroleum Leaks in New Mexico

This is to let you know that the attached news releases will be distributed to the media today. If you have any questions, or if you do not wish to receive EPA notifications, please contact me.

EPA Awards \$1.5 Million in Recovery Act Funds to Clean Up

Underground Petroleum Leaks in New Mexico EPA: Funds help create jobs and protect New Mexico land and water.

(Dallas, Texas - July 9, 2009) In an effort to protect people where they live, work, and play, EPA announced the distribution of \$1.59 million to New

Mexico under the American Recovery and Reinvestment Act of 2009 to assess and clean up underground storage tank petroleum leaks. The greatest potential hazard from a leaking underground storage tank is that the petroleum or other hazardous substances seep into the soil and contaminate groundwater, the source of drinking water for nearly one-third of all Americans.

"We're providing immediate growth opportunities for communities across the nation, as well as long-term protection from dangerous pollution in the land and water," said EPA Administrator Lisa P. Jackson. "EPA is putting people to work by serving our core mission of protecting human health and the environment."

"EPA works closely with states and tribes to clean up leaks from underground storage tanks," said EPA Acting Regional Administrator Lawrence E. Starfield. "Putting these Recovery Act dollars to work in New Mexico will help us assess and clean up more sites, create jobs, and help the economy." This money is part of \$197 million appropriated under the Recovery Act to address shovel-ready sites nationwide contaminated by petroleum from leaking underground storage tanks. The funds will be used for overseeing assessment and cleanup of leaks from underground storage tanks or directly paying for assessment and cleanup of leaks from federally regulated tanks where the responsible party is unknown, unwilling or unable to finance or the cleanup is an emergency response.

EPA regional underground storage tank programs will enter into cooperative agreements with the New Mexico Environment Department in spring 2009. These cooperative agreements will include more detailed descriptions of state spending plans.

President Obama signed the American Recovery and Reinvestment Act of 2009 on February 17, 2009, and has directed that the Recovery Act be implemented with unprecedented transparency and accountability. To that end, the American people can visit Recovery.gov to see how every dollar is being invested.

Learn more about EPA's implementation of the American Recovery and Reinvestment Act of 2009: http://www.epa.gov/recovery/ and for information on the implementation in New Mexico http://www.epa.gov/region6/

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Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



News Release

Region 6 External Affairs (6XA) 1445 Ross Avenue Dallas, Texas 75202-2733 Public Information: (800) 887-6063

For more information, media may contact Dave Bary or Anthony Suttice at 214-665-2200 or repress@epa.gov Subscribe to receive e-mail copies of Region 6 news releases at: www.epa.gov/region6/6xa/r6news_mailing_list.htm

EPA Awards \$1.5 Million in Recovery Act Funds to Clean Up Underground Petroleum Leaks in New Mexico

EPA: Funds help create jobs and protect New Mexico land and water.

(Dallas, Texas – July 9, 2009) In an effort to protect people where they live, work, and play, EPA announced the distribution of \$1.59 million to New Mexico under the American Recovery and Reinvestment Act of 2009 to assess and clean up underground storage tank petroleum leaks. The greatest potential hazard from a leaking underground storage tank is that the petroleum or other hazardous substances seep into the soil and contaminate groundwater, the source of drinking water for nearly one-third of all Americans.

"We're providing immediate growth opportunities for communities across the nation, as well as long-term protection from dangerous pollution in the land and water," said EPA Administrator Lisa P. Jackson. "EPA is putting people to work by serving our core mission of protecting human health and the environment."

"EPA works closely with states and tribes to clean up leaks from underground storage tanks," said EPA Acting Regional Administrator Lawrence E. Starfield. "Putting these Recovery Act dollars to work in New Mexico will help us assess and clean up more sites, create jobs, and help the economy."

This money is part of \$197 million appropriated under the Recovery Act to address shovel-ready sites nationwide contaminated by petroleum from leaking underground storage tanks. The funds will be used for overseeing assessment and cleanup of leaks from underground storage tanks or directly paying for assessment and cleanup of leaks from federally regulated tanks where the responsible party is unknown, unwilling or unable to finance or the cleanup is an emergency response.

EPA regional underground storage tank programs will enter into cooperative agreements with the New Mexico Environment Department in spring 2009. These cooperative agreements will include more detailed descriptions of state spending plans.

President Obama signed the American Recovery and Reinvestment Act of 2009 on February 17, 2009, and has directed that the Recovery Act be implemented with unprecedented transparency and accountability. To that end, the American people can visit Recovery.gov to see how every dollar is being invested.

Learn more about EPA's implementation of the American Recovery and Reinvestment Act of 2009: http://www.epa.gov/recovery/ and for information on the implementation in New Mexicohttp://www.epa.gov/region6/



(In Archive) FW: EPA news brief: EPA Awards Over \$8 Million to the New Mexico Finance Authority

McDowell, Amber (Tom Udall) to: Cynthia Fanning

09/23/2009 01:23 PM

From:

"McDowell, Amber (Tom Udall)" <Amber_McDowell@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

Hi Cynthia -

I work with Drew Wallace in Tom Udall's office as the Senator's press secretary. Drew forwarded us the release EPA is putting out today re: EPA Awards Over \$8 Million to the New Mexico Finance Authority.

I have a question regarding the communities receiving awards. You mentioned to Drew that this info could be found on pgs. 34-35 of the Intended Use Plan. But when we reviewed those pages, the projects added up to more than \$18 million — which is \$10 million more than the EPA award. Do you know which of these projects on pgs. 34-35 will be funded, and which won't?

We're planning to put out our own press release on the awards, and want to make sure we have the communities/project list correct!

Thanks in advance for your help.

Best, Amber McDowell

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]
Sent: Wednesday, September 23, 2009 1:57 PM

To: Wallace, Andrew (Tom Udall)

Subject: RE: EPA news brief: EPA Awards Over \$8 Million to the New

Mexico Finance Authority

Drew -

In response to your question, this information is in the New Mexico Finance Authority's (NMFA) Intended Use Plan (IUP) at http://www.nmfa.net/uploads/document/State%20of%20NM%20Drinking%20Water%20State%20Revolving%20Fund.pdf. The projects NMFA intends to fund with the DWSRF funds are listed in the IUP on pages 34-35, the "SRF Fundable Project Priority List, FY09" (appendix pages D-4 and D-5).

I hope this information is helpful. Please let me know if you have any questions or if I may be of further assistance.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118

From: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To: Cynthia Fanning/R6/USEPA/US@EPA

Date: 09/23/2009 08:33 AM

Subject: RE: EPA news brief: EPA Awards Over \$8 Million to the New Mexico Finance Authority

Does EPA know which communities this \$\$ is going to? Thanks, Drew

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Wednesday, September 23, 2009 9:32 AM

Subject: EPA news brief: EPA Awards Over \$8 Million to the New Mexico Finance Authority

This is to let you know that this news brief will be distributed to New Mexico media today. Please let me know if you have any questions or if you wish to be removed from EPA's notification list.

EPA Awards Over \$8 Million to the New Mexico Finance Authority

(Dallas, Texas - September 23, 2009) The Environmental Protection Agency (EPA) has awarded \$8,146,000 to the New Mexico Finance Authority. The funds will be used to provide loan assistance to eligible public water systems for infrastructure improvements needed to ensure safe drinking water for New Mexico residents. The funds will also be used to provide local assistance, small systems/technical assistance and state program management.

Additional information on EPA grants: http://www.epa.gov/region6/gandf/index.htm

More about activities in EPA Region 6: http://www.epa.gov/region6

EPA audio file is available for 30 days at http://www.epa.gov/region6/6xa/podcast/sep2009.html

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



{In Archive} Re: Call-in info for noon today on San Juan

Nagle, Tom (Tom Udall) to: Cynthia Fanning, Ward, Stephen (Bingaman)

03/01/2011 10:46 AM

"Wallace, Andrew (Tom Udall)", "angela.ramirez@mail.house.gov",

Cc: "Alpert, Dan (Bingaman)", David Gray, "'terrinikole.baca@mail.house.gov"

From:

"Nagle, Tom (Tom Udali)" <Tom_Nagle@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA, "Ward, Stephen (Bingaman)"

<Stephen_Ward@bingaman.senate.gov>

Cc:

"Wallace, Andrew (Tom Udall)" < Andrew_Wallace@tomudall.senate.gov>.

"angela.ramirez@mail.house.gov" <angela.ramirez@mail.house.gov>, "Aipert, Dan (Bingaman)" < Dan_Alpert@bingaman.senate.gov>, David Gray/R6/USEPA/US@EPA,

Archive:

This message is being viewed in an archive.

I am at a dr's appointment & am unable to do the call. Drew will cover for Sen. Udall's office. Thank you.

Tom Nagle Chief of Staff Senator Tom Udall (NM) 202-224-6621

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Tuesday, March 01, 2011 11:25 AM

To: Ward, Stephen (Bingaman)

Cc: Wallace, Andrew (Tom Udall); 'angela.ramirez@mail.house.gov' <angela.ramirez@mall.house.gov>; Alpert, Dan (Bingaman); Gray.David@epamail.epa.gov < Gray.David@epamail.epa.gov >; 'terrinikole.baca@mail.house.gov' <terrinikole.baca@mail.house.gov>; Nagle, Tom (Tom Udall)

Subject: Cail-in info for noon today on San Juan

I have received confirmation from Drew Wallace of Sen. Udall's office, Stephen Ward and Dan Alpert of Sen. Bingaman's office and Terri Nikole Baca of Cong. Lujan's office. Al Armendariz and David Gray of EPA's Region 6 office will be on the call.

Please call 866-299-3188 and enter code 2146652100 at noon eastern today. Thank you for your flexibility and responsiveness!

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142

Fr "Ward, Stephen (Bingaman)" <Stephen_Ward@bingaman.senate.gov> om

To Cynthia Fanning/R6/USEPA/US@EPA, "Nagle, Tom (Tom Udall)" <Tom_Nagle@tomudall.senate.gov>, "angela.ramirez@mail.house.gov" <angela.ramirez@mail.house.gov>

Cc "Alpert, Dan (Bingaman)" <Dan_Alpert@bingaman.senate.gov>, "Wallace, Andrew (Tom Udall)"

<Andrew_Wallace@tomudall.senate.gov>, "terrinikole.baca@mail.house.gov" <terrinikole.baca@mail.house.gov>, David Gray/R6/USEPA/US@EPA

Da 03/01/2011 10:05 AM

ta

Su Re: Call re San Juan extension request -- please reply ASAP

bje

ct:

I can, but for only 15 or so minutes

Sent from my BlackBerry Wireless Handheld

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Tuesday, March 01, 2011 10:52 AM

To: Nagle, Tom (Tom Udall); Ward, Stephen (Bingaman); angela.ramirez@mail.house.gov

<angela.ramirez@mail.house.gov>

Cc: Alpert, Dan (Bingaman); Wallace, Andrew (Tom Udall); terrinikole.baca@mail.house.gov <terrinikole.baca@mail.house.gov>; Gray.David@epamail.epa.gov <Gray.David@epamail.epa.gov> Subject: Call re San Juan extension request -- please reply ASAP

Tom, Stephen and Angela -

My boss, Regional Administrator Al Armendariz, would like a few minutes of your time today to discuss the attached letter. Would you be available for a 15 min call to discuss the San Juan extension request at noon your time today? Please let me know ASAP so I can propose an alternate time if needed.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



{In Archive} Re: Open house for Chevron Questa Mine on June 5 Ortizwertheim, Bianca (Tom Udall)

05/30/2012 10:19 AM

To: Cynthia Fanning

From:

"Ortizwertheim, Bianca (Tom Udall)" <Bianca_Ortizwertheim@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to.

Archive:

This message is being viewed in an archive.

Cynthia,

That is NM's primary election day. Not sure if you knew that when you scheduled.

Bianca

From: Cynthia Fanning <Fanning.Cynthia@epamail.epa.gov>

Date: Wednesday, May 30, 2012 8:39 AM

Subject: Open house for Chevron Questa Mine on June 5

This is to invite your office to participate in an open house providing information for residents of and near Questa, NM, regarding the Chevron Questa Mine cleanup. The open house is scheduled for Tuesday, June 5, 2012, from 5:00 pm to 8:00 pm at the Carson National Forest Questa Ranger Station, State Road 150, in Questa.

More information about the site and the open house is in the attached fact sheet. If your office plans to send a representative to the open house, or if you have any questions, please contact me.

Cynthia Fanning
Congressional Liaison
US Environmental Protection Agency, Region 6
direct 214-665-2142
office 214-665-2200
fax 214-665-2118



{In Archive} RE: New Power Point for EPA-Armendariz at Udall hearing TorresSmall, Xochiti (Tom Udall)

04/10/2012 06:50 PM

To: Cynthia Fanning

From:

"TorresSmall, Xochitl (Tom Udall)" <Xochitl_TorresSmall@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

Got it! Thanks, Cynthia. Have a great night. And let me know if you need any restaurant recommendations!

Best,

Xochitl

From: Cynthia Fanning [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Tuesday, April 10, 2012 5:49 PM

To: aguzman@las-cruces.org

Cc: TorresSmall, Xochiti (Tom Udall)

Subject: New Power Point for EPA-Armendariz at Udall hearing

In case my previous e-mail did not go through.

Cynthia Fanning
Congressional Liaison
US Environmental Protection Agency, Region 6
direct 214-665-2142
office 214-665-2200
fax 214-665-2118



{In Archive} PowerPoint TorresSmall, Xochiti (Tom Udall)

04/10/2012 06:31 PM

To: Cynthia Fanning

Cc: "Wallace, Andrew (Tom Udall)"

From:

"TorresSmall, Xochitl (Tom Udall)" <Xochitl_TorresSmall@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Ç¢:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

Hi Cynthia!

Great to run into you earlier today. Please send your Power Point to Adrian Guzman at aguzman@las-cruces.org by 9am tomorrow. Let me know if there's a problem.

Best,

Xochitl

Xochitl Torres Small Field Representative United States Senator Tom Udall 201 North Church Street, Suite 201B Las Cruces, NM 88001

Connect with Tom at tomudall.senate.gov













{In Archive} RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer TorresSmall, Xochitl (Tom Udall)

04/05/2011 04:31 PM

To: Cynthia Fanning

From:

"TorresSmall, Xochitl (Tom Udall)" <Xochitl_TorresSmall@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to and forwarded.

Archive:

This message is being viewed in an archive.

Oh no! I don't know how I missed you. Agreed – it would have been great to meet.

If you happen to come back (although hopefully it won't be necessary for this project), let me know. It would be great to grab lunch or something.

Best,

Xochitl

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Tuesday, April 05, 2011 3:27 PM To: TorresSmall, Xochitl (Tom Udall)

Subject: RE: News release: EPA Orders Dona Ana County and Las Cruces

to Clean Drinking Water Aquifer

Xochitl -

I'm sorry I missed meeting you! I was there, too, and would have been glad to put a face with your name!

Cynthia Fanning Congressional Liaison US EPA, Region 6 direct 214-665-2142 office 214-665-2200 fax 214-665-2118

~*~*~*~*~*~*~*~

From "TorresSmall, Xochitl (Tom Udall)" <Xochitl_TorresSmall@tomudall.senate.gov>

To: Cynthia Fanning/R6/USEPA/US@EPA, "Wallace, Andrew (Tom Udall)" <Andrew Wallace@tomudall.senate.gov>

Cc: "Apodaca, Anna (Tom Udall)" <Anna_Apodaca@tomudall.senate.gov>, "Ortizwertheim, Bianca (Tom

Udall)" <Bianca_Ortizwertheim@tomudall.senate.gov> Date: 04/05/2011 03:00 PM

Subj RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

Hi Cynthia,

I was able to attend the reception for the meeting in Las Cruces. The discussion fostered a lot of good will, and all parties were optamistic about the path forward. It was great to meet Administrator Armendariz and Superfund Division Director Sam Coleman. Thank you (as always) for your help.

Best,

Xochitl Torres Small Field Representative Office of United States Senator Tom Udall 505 S. Main St. Suite 118 Las Cruces, NM 88001

Connect with Tom at tomudall.senate.gov



From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Tuesday, April 05, 2011 1:40 PM To: Wallace, Andrew (Tom Udall)

Cc: Apodaca, Anna (Tom Udall); Ortizwertheim, Bianca (Tom Udall); TorresSmall, Xochitl (Tom Udall) Subject: RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

Drew -

This is to follow up with you regarding your request that EPA meet with the City of Las Cruces and Dona Ana County, NM, regarding the Griggs and Walnut Ground Water Plume Superfund site. EPA Regional Administrator Armendariz and Superfund Division Director Sam Coleman met the the city and county on Thursday, March 31, for a productive discussion about EPA's recent order and cleanup funding. At the close of the meeting, participants agreed to a path forward to resolve the city and county's concerns.

I hope this information is helpful. Please let me know if you have any questions about the meeting or the site.

Cynthia Fanning Congressional Liaison US EPA, Region 6 direct 214-665-2142 office 214-665-2200 fax 214-665-2118

Fro"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To: Cynthia Fanning/R6/USEPA/US@EPA

Cc:"Apodaca, Anna (Tom Udall)" <Anna_Apodaca@tomudall.senate.gov>, "Ortizwertheim, Bianca (Tom Udall)" <Bianca_Ortizwertheim@tomudall.senate.gov>, "TorresSmall, Xochitl (Tom Udall)" <Xochitl_TorresSmall@tomudall.senate.gov>

Da 03/03/2011 05:12 PM

te:

Su RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer bje

ct:

Thanks for the quick reply. There appears to be some miscommunication going on with the meeting request. Either way it doesn't sound like the City realized the meeting offer (which was to the County), but we will relay that to them and hopefully that will get the ball rolling.

They did state their concern that EPA's 2/14 order had short circuited their preferred route of a consent order which would have allowed for future PRPs (they indicated they had asked to add the National Guard, but EPA had not responded) and deal more flexibly with the cleanup (they claim the order forces them to spend \$7M even though the bids came in below the initial estimate).

Again, we haven't independently dug into the details at this point, but those are the concerns the Senator heard, and hopefully a high level conversation between Reg. 6 and the City/County can sort this out. But if your folks thing there is something major we need to understand here, please let us know.

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Thursday, March 03, 2011 12:02 PM

To: Wallace, Andrew (Tom Udall)

Cc: Apodaca, Anna (Tom Udall); Ortizwertheim, Bianca (Tom Udall); TorresSmall, Xochitl (Tom Udall) Subject: RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

Drew -

Thank you for letting me know about the County's concerns. Shortly after the request for a meeting was made, on February 16, our attorney for the case, Mr. James Costello, contacted his counterpart at the respondent's legal team to let them know we would be glad to meet with them. Our Regional Administrator offered to fly to Las Cruces for this meeting. We asked that the respondents propose a date and we are awaiting their response.

I hope this information is helpful. Please let me know if I may be of further assistance.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118

Fro "Wallace, Andrew (Tom Udali)" <Andrew_Wallace@tomudali.senate.gov>

m:

To: Cynthia Fanning/R6/USEPA/US@EPA

Cc: "TorresSmall, Xochitl (Tom Udall)" <Xochitl_TorresSmall@tomudall.senate.gov>, "Apodaca, Anna (Tom Udall)" <Anna_Apodaca@tomudall.senate.gov>, "Ortizwertheim, Bianca (Tom Udall)" <Bianca_Ortizwertheim@tomudall.senate.gov>

Dat 03/03/2011 08:25 AM

ρ

Su RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer bje

ct:

Hi Cynthia, the Mayor of Las Cruces and various other officials are meeting with Sen. Udall today on this issue this afternoon. It's our understanding that Dona Ana County has requested a meeting on this topic w/ Reg. Admin. Dr. Armendariz on Feb. 14th, but have not heard back. It's my understanding that the County and City feel there was a lack of communication about this order, and that the order has some complicating effect on the flexibility of the use of the funds, especially the long term responsibility of operation and maintenance, so they are requesting modification. At this time, we're not expressing any opinion about the specifics, but this is an important issue for the City and County, and we would like to support their meeting request, and ask y'all to get back with them on that, if Region 6 has not done so already. CC'ing our state staff. Many thanks,

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Friday, February 25, 2011 2:45 PM

To: Wallace, Andrew (Tom Udall)

Subject: RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water

Aquifer

February 14.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118 From: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To: Cynthia Fanning/R6/USEPA/US@EPA

Date: 02/25/2011 01:38 PM

Subject: RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

The release says that EPA "recently" issued an order. When did that occur?

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Friday, February 25, 2011 2:36 PM

Subject: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

This is to let you know that EPA will distribute the following news release today. Please let me know if you have any questions.

EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

(DALLAS - February 25, 2010) The U.S. Environmental Protection Agency (EPA) recently issued an order to Doña Ana County and the City of Las Cruces to clean a contaminated ground water aquifer under the city. The aquifer has been used by the City of Las Cruces for drinking water and poses an imminent and substantial danger to anyone who drinks from it.

The city and county will be required to build a system that will extract, treat and remove the contaminant from the aquifer. The contaminant, perchloroethylene (PCE) - widely used for dry cleaning and degreasing, is above the maximum contaminant level under the Safe Drinking Water Act.

In October 2009, EPA also ordered the county and city to develop a plan for the removal of the contamination. The current order directs the county and city to complete the remedial action according to the 2009 plan.

The source of the contamination has been identified as historical releases that occurred at the site known as the Griggs and Walnut Ground Water Plume Superfund Site, named after two intersecting streets in Las Cruces. The releases were most likely associated with maintenance activities or waste disposal. Doña Ana County is located in south-central New Mexico and bordered by Mexico and Texas to the south.

On June 14, 2001, EPA listed the site on the National Priority List, EPA's list of uncontrolled hazardous substance releases in the United States that are priorities for long-term evaluation and response.

PCE in humans has been known to cause adverse neurological, liver and kidney effects following short-term and long-term inhalation exposure. Some people who drink water containing PCE in excess of the maximum contaminant level over many years could have problems with their liver and may have an increased risk of getting cancer.

EPA continues working with New Mexico Environment Department, the city and county to address concerns about the contamination.

More about activities in EPA Region 6: http://www.epa.gov/aboutepa/region6.html

EPA audio file is available at http://www.epa.gov/region6/6xa/podcast/feb2011.html

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Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



{In Archive} RE: NPS in NM Torres, Xochitl (Tom Udall) to: Cynthia Fanning

08/23/2010 05:10 PM

From:

"Torres, Xochitl (Tom Udall)" <Xochitl_Torres@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to and forwarded.

Archive:

This message is being viewed in an archive.

Hi Cynthia,

I received a message that you called. Was there anything more you wanted to talk about?

Thank you again for the information.

Best,

Xochitl

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Monday, August 23, 2010 3:03 PM

To: Torres, Xochitl (Tom Udall)

Subject: NPS in NM

Xochitl -

Thank you for your question about the Nonpoint Source Management Program in New Mexico. The NMED implements this program. See: http://www.nmenv.state.nm.us/swqb/wps/index.html for more information.

I hope this is helpful. Please let me know if you have any further questions.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



{In Archive} RE: NPS in NM Torres, Xochitl (Tom Udall) to: Cynthia Fanning

08/23/2010 04:15 PM

From:

"Torres, Xochitl (Tom Udall)" <Xochitl_Torres@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

Thank you for the information!

Best,

Xochitl

From: Fanning.Cynthla@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Monday, August 23, 2010 3:03 PM

To: Torres, Xochitl (Tom Udall)

Subject: NPS in NM

Xochitl -

Thank you for your question about the Nonpoint Source Management Program in New Mexico. The NMED implements this program. See: http://www.nmenv.state.nm.us/swqb/wps/index.html for more information.

I hope this is helpful. Please let me know if you have any further questions.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142

~*~*~*~*~*~

fax 214-665-2118



RE: Follow up

Wallace, Andrew (Tom Udall) to: David Gray, Cynthia Fanning, Sedillo, Anthony (Tom Udall)

08/23/2012 09:31 AM

Cc: "Collins, Michael (Tom Udall)", "Alpert, Dan (Bingaman)"

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

David Gray/R6/USEPA/US@EPA, Cynthia Fanning/R6/USEPA/US@EPA, "Sedillo, Anthony

(Tom Udall)" <Anthony_Sedillo@tomudall.senate.gov>

Cc:

"Collins, Michael (Tom Udall)" <Michael_Collins@tomudall.senate.gov>, "Alpert, Dan

(Bingaman)" <Dan_Alpert@bingaman.senate.gov>

Hi folks, I will be on travel in NM next week and Mike will be out so Anthony Sedillo will call in for us—he's been tracking this with us as well. -Drew

From: Alpert, Dan (Bingaman)

Sent: Thursday, August 23, 2012 8:41 AM

To: 'David Gray'; Wallace, Andrew (Tom Udall); Collins, Michael (Tom

Udall)

Cc: Cynthia Fanning Subject: RE: Follow up

Monday the 27th is fine with me. You did mean between 1 and 4 pm CDT, right!

From: David Gray [mailto:Gray.David@epamail.epa.gov]

Sent: Thursday, August 23, 2012 8:38 AM

To: Alpert, Dan (Bingaman); Wallace, Andrew (Tom Udali); Collins,

Michael (Tom Udall) Cc: Cynthla Fanning Subject: Follow up

Hi.

It is probably time for another update from us and NMED regarding San Juan and the NM FIP. I am checking with our team here and in the state on availability - and wanted to run Monday, August 27 by you all. Any availability between 1 and 4 pm CST? Let me know.

David

David Gray Director

External and Government Affairs



{In Archive} Re: Follow up

Wallace, Andrew (Tom Udali) to: Alpert, Dan (Bingaman), David Gray

07/10/2012 01:10 PM

Cc: Cynthia Fanning, "Collins, Michael (Tom Udall)"

From: To:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov> "Alpert, Dan (Bingaman)" < Dan Alpert@bingaman.senate.gov>, David

Gray/R6/USEPA/US@EPA

Cc:

Cynthia Fanning/R6/USEPA/US@EPA, "Collins, Michael (Tom Udali)"

<Michael Collins@tomudall.senate.gov>

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

I'm out on paternity leave for a week or 2 so cc'ing our LD Mike Collins who's been following the issue here also so he can join or have someone else in our office hop on. -Drew

Andrew Wallace Sen. Tom Udall (NM) 202-224-6621

From: Alpert, Dan (Bingaman)

Sent: Tuesday, July 10, 2012 01:48 PM

To: 'David Gray' <Gray.David@epamail.epa.gov>; Wallace, Andrew

(Tom Udall)

Cc: Cynthia Fanning <Fanning.Cynthia@epamail.epa.gov>

Subject: RE: Follow up

Mr. Gray:

Thank you for your message. both 12:30 and 1 pm tomorrow are fine with me. Regards,

Dan Alpert

From: David Gray [mailto:Gray.David@epamail.epa.gov]

Sent: Tuesday, July 10, 2012 1:46 PM

To: Alpert, Dan (Bingaman); Wallace, Andrew (Tom Udall)

Cc: Cynthia Fanning Subject: Follow up

Dan and Drew,

I wonder if you would be available for a brief update on the NM FIP tomorrow. It would be with us and Ryan Flynn from NMED. We like to go over the plans for the next 90 days.

We could talk at 12:30 or 1 pm EST tomorrow. Let me know if that can work for you.

David

David Gray
Director
External and Government Affairs
US EPA
(214) 665-2200 office
(214) 789-2619 mobile
gray.david@epa.gov



{In Archive} Sen. Udall letter to EPA re: NM SDWA SRF Wallace, Andrew (Tom Udall) to: Arvin Ganesan, Cynthia Fanning

06/26/2012 11:32 AM

From: To:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov> Arvin Ganesan/DC/USEPA/US@EPA, Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

1 attachment



epa nmfa letters.pdf

Attached is a letter-Sen.-Udall is sending today, referencing a letter from NM Finance Authority and NMED re: implementation of SDWA's SRF in NM, where apparently we have somewhat of a backlog that we'd like to deal with. Attachment has Sen. Udall's letter to Admin. Jackson, and the NM letters to us and EPA. -Drew

Andrew G. Wallace Senior Policy Advisor Sen. Tom Udall (NM) 202-224-6621 110 Hart Senate Office Building TOM UDALL

110 HART SENATE OFFICE BUILDING WASHINGTON, DC 20510 (202) 224-6621 (202) 228-3261 FAX http://tomudall.senate.gov

United States Senate

WASHINGTON, DC 20510

June 26, 2012

COMMITTEES:
COMMERCE, SCIENCE, AND TRANSPORTATION

ENVIRONMENT AND PUBLIC WORKS

FOREIGN RELATIONS

INDIAN AFFAIRS

RULES AND ADMINISTRATION

The Honorable Lisa Jackson Administrator Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

Dear Administrator Jackson:

Thank you for your leadership with EPA's work providing important financing opportunities to improve drinking water infrastructure across America.

I am in receipt of a June 6, 2012 letter from the New Mexico Finance Authority (NMFA) Chair Denise Baker and New Mexico Environment Department (NMED) Secretary David Martin, regarding the New Mexico Drinking Water State Revolving Loan Fund, which is enclosed for reference. NMFA and NMED seek improvements in the program to meet the needs of small, rural, and financially disadvantaged communities in New Mexico.

The letter specifically requests EPA to provide flexibility for some documenting and reporting requirements that are beyond the financial capability of small communities and improve uniform application of the National Environmental Policy Act. The State agencies believe this will improve safe drinking water infrastructure in New Mexico.

I urge that EPA respond thoroughly and promptly to these requests and take any appropriate actions to improve the implementation of the Safe Drinking Water Act's State Revolving Fund in New Mexico. Accessing these funds in New Mexico will improve safe drinking water and create jobs.

Thank you for your attention to this issue and please contact me if we can be of further assistance.

Sincerely,

Tom Udall

United States Senator

STATE OFFICES:

Muke



June 6, 2012

The Honorable Tom Udali United States Senator 110 Hart Senate Office Building Washington, DC 20510

RE:

New Mexico Drinking Water State Revolving Loan Fund-National Environmental Policy Act

Dear Senator Udall:

The New Mexico Finance Authority ("Finance Authority") is requesting your assistance with the U.S. Environmental Protection Agency ("U.S. EPA") to obtain needed regulatory flexibility and relief in the administration of the New Mexico Drinking Water State Revolving Loan Fund ("DWSRLF"). Since the amendment to the Safe Drinking Water Act in 1996 which established the Drinking Water State Revolving Loan Fund, the Finance Authority and its state government partners have dedicated approximately \$104.8 million in low-cost financing through the DWSRLF. However, the Finance Authority and its state government partners are currently facing the challenge of accelerating the pace of funding within the DWSRLF to address a \$40 - \$60 million funding backlog. As we address this challenge, the Finance Authority and its state government partners believe the funding pace can be enhanced if the U.S. EPA would be willing to grant greater programmatic flexibility, which in turn, will enhance the ability of New Mexico's small, rural, and financially disadvantaged communities to take advantage of DWSRLF's financial resources in the future.

To help educate federal policymakers about the need for greater program flexibility within the DWSRLF program, the Finance Authority and the New Mexico Environment Department ("NMED") recently sent a joint letter to Administrator Jackson at the U.S. EPA (a copy is enclosed) requesting an opportunity to discuss what regulatory and programmatic flexibility might be available to assist us in accelerating the funding pace. An expression of support from your office to the U.S. EPA for those discussions and encouragement that potential regulatory flexibility and relief be considered in this case would be greatly appreciated. Further, it is our understanding that representatives from U.S. EPA's Region 6 Office will be visiting Santa Fe in late July, and this visit may provide an appropriate setting to address the programmatic concerns we have identified.

The Finance Authority is working closely with our state government partners on the challenge to increase the funding pace of the DWSRLF program. A concerted effort to improve the success of the program is being implemented by increasing staff and expanding awareness of the program throughout the State. Notwithstanding this concerted effort, Finance Authority staff has identified several programmatic barriers which hinder an enhanced funding pace. These barriers include burdensome regulatory restrictions and inconsistent application of the National Environmental Policy Act ("NEPA)".



The Honorable Tom Udall Page 2

Most notably, the concerns with NEPA include:

- The regulatory requirements are arduous and in many cases beyond the financial reach of New Mexico's small and disadvantaged communities to obtain needed documents and reports;
- A lack of uniformity across federal programs in the application of NEPA; and
- A lack of coordination among state and federal agencies as to the interpretation of NEPA.

Thank you for your consideration of our request to contact U.S. EPA on our behalf. If any additional information is needed or if your staff has any questions, please feel free to contact Rick May, Chief Executive Officer of the Finance Authority, at (505) 992-9650 or rmay@nmfa.net.

Sincerely,

Denise K. Baker, Chair

New Mexico Finance Authority Board

Denn K BA

Secretary David Martin, NMED

New Mexico Finance Authority Board

cc:

U.S. Senator Jeff Bingaman

U.S. Representative Ben Ray Lujan

U.S. Representative Martin Heinrich

U.S. Representative Steve Pearce

Maurice Rawls, Section Chief, Environmental Protection Agency Ruben Camacho, Project Officer, Environment Protection Agency

Rick May, CEO, New Mexico Finance Authority

Enclosure



June 6, 2012

The Honorable Lisa P. Jackson Administrator U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

DE.

New Mexico Drinking Water State Revolving Loan Fund-National Environmental Policy Act

Dear Administrator Jackson:

The New Mexico Finance Authority ("Finance Authority") is writing to request assistance from the U.S. Environmental Protection Agency ("U.S. EPA) in addressing important programmatic issues related to our effort to significantly increase the pace of funding within the New Mexico Drinking Water State Revolving Loan Fund ("DWSRLF") program. Since the amendment to the Safe Drinking Water Act in 1996 which established the Drinking Water State Revolving Fund, the Finance Authority and its state government partners have dedicated approximately \$104.8 million in low-cost financing through the DWSRLF to enhance safe drinking water infrastructure throughout New Mexico. Although the DWSRLF program has proven to be a valuable source of financing to protect the public health, the Finance Authority believes greater program flexibility and regulatory relief would enhance the ability of New Mexico's small, rural, and financially disadvantaged communities in taking advantage of DWSRLF's financial resources.

The Finance Authority is working closely with our state government partners to greatly improve the funding pace of the DWSRLF program. A concerted effort to improve the success of the program is being implemented by to increasing staff and expanding awareness of the program throughout the State. However, to successfully leverage the \$40 - \$60 million in state and federal funds currently located within the program, our concerted effort also requires, in our view, the U.S. EPA to modify its programmatic regulatory provisions. While U.S. EPA's Region 6 staff has been helpful and supportive with administration of the DWSRLF program, the Finance Authority's staff has identified several programmatic barriers, thus hindering an enhanced funding pace. These barriers include burdensome regulatory restrictions and inconsistent application of the National Environmental Policy Act ("NEPA"), most notably:

- The regulatory requirements are arduous and in many cases beyond the financial reach of New Mexico's small and disadvantaged communities to obtain needed documents and reports;
- A lack of uniformity across federal programs in the application of NEPA; and
- A lack of coordination among state and federal agencies as to the interpretation of NEPA.

The Honorable Lisa P. Jackson Page 2

To address these programmatic barriers, the Finance Authority and its state government partners are requesting an opportunity to discuss with U.S. EPA staff possible solutions to address a more flexible interpretation of regulatory requirement concerns associated with NEPA. This much needed discussion, we believe, will assist in facilitating an ongoing, positive relationship between the U.S. EPA, the Finance Authority, and the New Mexico Environment Department ("NMED") as we all work together in protecting public health through greater availability of safe drinking water.

It is our understanding that representatives from U.S. EPA's Region 6 Office will be visiting Santa Fe in late July, and this visit may provide an appropriate setting to address the programmatic concerns we have identified. We look forward to those discussions and both the Finance Authority and NMED are committed to working with U.S. EPA to find required solutions. If any additional information is needed or if your staff has any questions, please feel free to contact Rick May, Chief Executive Officer of the Finance Authority, at (505) 992-9650 or may@nmfa.net.

Thank you for your time and consideration of these issues.

Sincerely

Denise K. Baker, Chair

New Mexico Finance Authority Board

Secretary David Martin

New Mexico Environment Department

New Mexico Finance Authority Board Member

cc:

U.S. Senator Jeff Bingaman, New Mexico

U.S. Senator Tom Udall, New Mexico

U.S. Representative Ben Ray Lujan, New Mexico

U.S. Representative Martin Heinrich, New Mexico

U.S. Representative Steve Pearce, New Mexico

Maurice Rawls, Section Chief, Environmental Protection Agency Ruben Camacho, Project Officer, Environment Protection Agency

Rick May, CEO, New Mexico Finance Authority



{In Archive} RE: Are you available for an update via conference call on NM regional haze/San Juan at noon (EDT) tomorrow?

Wallace, Andrew (Tom Udall) to: Cynthia Fanning, Alpert, Dan

(Bingaman)

06/19/2012 12:24 PM

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA, "Alpert, Dan (Bingaman)"

<Dan_Alpert@bingaman.senate.gov>

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

Yes

From: Cynthia Fanning [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Tuesday, June 19, 2012 1:23 PM

To: Alpert, Dan (Bingaman); Wallace, Andrew (Tom Udall)

Subject: Are you available for an update via conference call on NM

regional haze/San Juan at noon (EDT) tomorrow?

Cynthia Fanning Congressional Liaison US Environmental Protection Agency, Region 6 direct 214-665-2142 office 214-665-2200 214-665-2118



{In Archive} RE: SJGS

Wallace, Andrew (Tom Udall) to: David Gray

Cc: Cynthia Fanning

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

05/31/2012 12:55 PM

To:

David Gray/R6/USEPA/US@EPA

Cc:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

OK thanks, we'll stay tuned

From: David Gray [mailto:Gray.David@epamail.epa.gov]

Sent: Thursday, May 31, 2012 12:44 PM

To: Wallace, Andrew (Tom Udall)

Cc: Cynthia Fanning Subject: Re: SJGS

Drew,

We are hoping to sign the action today. I will get you a copy as soon as I have it. In follow up - we have a meeting scheduled to address the next steps with the state and company tomorrow. That meeting will be face to face in NM.

David



{In Archive} SJGS Wallace, Andrew (Tom Udall) to: Cynthia Fanning, David Gray

05/31/2012 08:54 AM

From: To: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov> Cynthia Fanning/R6/USEPA/US@EPA, David Gray/R6/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

Hi folks,

Just checking in per our recent conversation, with the SIP decision due out tomorrow. Would appreciate some lead time on that announcement and also think another call next week might help.

I'm assuming nothing has changed following our last conversation but folks in NM are becoming more and more nervous about the possibility of successful negotiations without a stay. We're not making a recommendation to EPA on this, but got the impression that one was likely from our conversation, so curious whether that has changed or whether we should just stay tuned.

Thanks!
-Drew

Andrew G. Wallace Senior Policy Advisor Sen. Tom Udall (NM)



{In Archive} RE: Hi

Wallace, Andrew (Tom Udali) to: David Gray

Cc: Cynthia Fanning

From:

"Wallace, Andrew (Tom Udali)" <Andrew_Wallace@tomudall.senate.gov>

05/14/2012 02:41 PM

To:

David Gray/R6/USEPA/US@EPA

Cc:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

3PM EST is good.

From: David Gray [mailto:Gray.David@epamail.epa.gov]

Sent: Monday, May 14, 2012 3:25 PM To: Wallace, Andrew (Tom Udali)

Cc: Cynthia Fanning Subject: RE: Hi

Hey Drew,

I hope you had a good weekend. Rain finally passed so I could get my yard mowed. How about talking at 3 pm EST on Wednesday? Suzanne Murray, Cindy and I can update you and answer your questions. Will that time work for you?

David



(In Archive) RE: Hi

Wallace, Andrew (Tom Udall) to: David Gray

Cc: Cynthia Fanning

From:

"Wallace, Andrew (Tom Udall)" < Andrew_Wallace@tomudall.senate.gov>

To:

David Gray/R6/USEPA/US@EPA

Cc:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

Thanks David, I'm pretty open Monday or Wed. PM next week. -Drew

From: David Gray [mailto:Gray.David@epamail.epa.gov]

Sent: Thursday, May 10, 2012 6:12 PM To: Wallace, Andrew (Tom Udall)

Cc: Cynthia Fanning

Subject: Hi

Hi Drew,

Let's plan on having a quick call early next week. We are making good progress with the Governor's letter and just yesterday we got a similar one from PNM agreeing to look at alternatives. Both good signs in solving this action. I think progress is being made and don't think we need anything just yet. Our focus on this priority hasn't changed with Sam setting in as acting RA.

When is a good time to talk?

David

David Gray Director External and Government Affairs US EPA (214) 665-2100 office (214) 789-2619 mobile gray.david@epa.gov 05/10/2012 05:13 PM



(In Archive) RE: SJGS Wallace, Andrew (Tom Udall) to: Cynthia Fanning

05/10/2012 04:52 PM

From:

"Wallace, Andrew (Tom Udail)" <Andrew_Wallace@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

I understand the deadlines, I'm interested to see what is going on, specifically how EPA Reg. 6 plans to respond to the Gov. Martinez and PNM letters. This back and forth is what Sen. Udall discussed with former Admin. Armendariz in April. With the change in leadership I'd like to check back with whoever is in charge of this process and speak with them to see where things stand and whether Sen. Udall can be of any further assistance. -Drew

From: Cynthia Fanning [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Wednesday, May 09, 2012 3:54 PM

To: Wallace, Andrew (Tom Udall)

Subject: Re: SJGS

Drew -

We have a new letter from NM which is promising and includes looking at alternatives. EPA and NMED are reaching out to PNM to see what alternatives they are willing to look incorporating into their plans. We recently got an extension of up to 30 days to continue these discussions, so our new deadline is May 16. Our deadline for final action remains August 15.

I hope this is helpful. Please let me know if you have any further questions.

Cynthia Fanning Congressional Liaison US Environmental Protection Agency, Region 6 direct 214-665-2142 office 214-665-2200 fax 214-665-2118

From: "Wallace, Andrew (Tom Udali)" <Andrew_Wallace@tomudall.senate.gov>

To: Cynthia Fanning/R6/USEPA/US@EPA

~ * ~ * ~ * ~ * ~ * ~ * ~ * ~ * ~ * ~

Date: 05/08/2012 04:32 PM

Hi Cynthia,

Saw this letter from PNM to EPA today, as part of a series of letters since Sen. Udall's meeting w/ Dr. Armendariz (PRC sent one to Gov and delegation, Gov sent one to EPA). With Dr. Armendariz's resigning, and the deadline upcoming, I'd like to hear from Region 6 what they think of the current status since this letter exchange. Thanks,

Drew

Andrew G. Wallace Senior Policy Advisor Sen. Tom Udali (NM)

[attachment "PNM Letter to EPA.PDF" deleted by Cynthia Fanning/R6/USEPA/US]



(In Archive) SJGS Wallace, Andrew (Tom Udall) to: Cynthia Fanning

05/08/2012 04:32 PM

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to and forwarded.

Archive:

This message is being viewed in an archive.

1 attachment



PNM Letter to EPA PDF

Hi Cynthia,

Saw this letter from PNM to EPA today, as part of a series of letters since Sen. Udall's meeting w/ Dr. Armendariz (PRC sent one to Gov and delegation, Gov sent one to EPA). With Dr. Armendariz's resigning, and the deadline upcoming, I'd like to hear from Region 6 what they think of the current status since this letter exchange. Thanks, Drew

Andrew G. Wallace Senior Policy Advisor Sen. Tom Udall (NM) PNM Resources Alvarado Square Albuquerque, NM 87158-2822 www.pnmresources.com Phone: 505.241.2898

Fax: 505.241.2368

Patrick V. Apodaca Senior Vice President, General Counsel and Corporate Secretary



May 8, 2012

VIAFEDEX AND EMAIL@ <u>COLEMAN.SAM@EPA.GOV</u>

Mr. Sam Coleman
Acting Regional Administrator
United States Environmental Protection Agency
EPA Region 6 Main Office
1445 Ross Avenue
Suite 1200
Mail Code: 6RA
Dallas, Texas 75202

Dear Mr. Coleman:

Like you, Public Service Company of New Mexico ("PNM") received a copy of the April 26, 2012 letter from New Mexico Governor Susana Martinez to Environmental Protection Agency ("EPA") Administrator Lisa Jackson. I would like to use this letter to reach out to you to convey our thoughts about the Governor's letter.

From PNM's perspective, the Governor's proposal represents a viable framework within which the EPA, the State of New Mexico and PNM may constructively explore, and ultimately reach agreement on, an alternative to EPA's regional haze Federal Implementation Plan for San Juan Generating Station ("SJGS") and the State Implementation Plan that complies with the visibility requirements of the Clean Air Act.

We have communicated to the Governor our appreciation for her leadership in calling on the parties to consider alternatives to litigation and PNM's willingness to accept her invitation to investigate alternatives as proposed in her letter.

We also wish to express to you and your colleagues at EPA our strong interest in moving forward as the Governor has proposed to engage in serious discussions of alternatives with the EPA and the State. In such discussions, PNM would be committed to addressing the feasibility of alternatives for future current levels of coal generation at SJGS.

In statements to the media shortly after the Governor issued her letter, Pat Vincent-Collawn, chairman, president and CEO of PNM Resources, PNM's parent company, expressed an interest in engaging in discussions and noted our objectives: "If we are able to move toward a dialogue

Mr. Sam Coleman Acting Regional Administrator United States Environmental Protection Agency May 8, 2012 Page 2

on alternatives, we will continue to seek a balanced approach that considers customer costs, environmental benefit and the economic impact to the citizens of the state, particularly the Four Corners region."

Those three issues are important to PNM and to our stakeholders, including our customers, the communities we serve, our employees, those working to develop the state's economy, capital providers and environmental groups.

While the Governor's letter does not specify alternatives the parties might consider, if we move to discussions, we might initially consider plans in other states where alternatives to various regional haze state or federal implementation plans have been agreed upon. As you are aware, these have included eventual phase-out of one or more units of coal-fired generation plants in return for installation of less expensive technology on the remaining units. They also have included requiring generators to replace one or more coal units with natural gas units, or retrofitting some units with one type of technology while other units are allowed to have a different less-expensive technology.

We look forward to an opportunity to engage in productive discussions as proposed by Governor Martinez. Please let me know if we may answer any questions or provide additional information that will assist in planning and structuring such discussions.

Sincerely,

Patrick V. Apodaca/

Senior Vice President, General Counsel and Corporate Secretary

PVA:sgs

cc: Governor Susana Martinez

F. David Martin, Cabinet Secretary, New Mexico Environment Department Suzanne Murray, Esq., Region VI Counsel, U.S. Environmental Protection Agency Ryan Flynn, Esq., General Counsel, New Mexico Environment Department



(In Archive) FW: Letter from PRC Commissioner Jason Marks on San Juan Generating Station

Wallace, Andrew (Tom Udail) to: Cynthia Fanning

04/25/2012 03:53 PM

From:

"Wallace, Andrew (Tom Udali)" <Andrew_Wallace@tomudali.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to and forwarded.

Archive:

This message is being viewed in an archive.

1 attachment



Marks San Juan Generating Station.pdf

FYI, Dr. Armendariz will be interested in this letter if he has not seen it already. Admin. Jackson is cc'ed, not sure about Region 6 directly.

From: Rosenberg, Zachary (Tom Udall) Sent: Wednesday, April 25, 2012 4:46 PM

To: Wallace, Andrew (Tom Udall); Sedillo, Anthony (Tom Udall) Subject: Letter from PRC Commissioner Jason Marks on San Juan

Generating Station

Drew and Anthony,

We received the attached fax from the office of Commissioner Marks about the San Juan Generating Station. I wanted to be sure you both saw it.

Zach

Zachary Rosenberg
Staff Assistant
U.S. Senator Tom Udall (D-NM)
zachary_rosenberg@tomudall.senate.gov

Connect with Tom at tomudall.senate.gov











NEW MEXICO PUBLIC REGULATION COMMISSION

Commissioner Jason Marks
District 1
505-827-8015



Commissioner Douglas J. Howe District 3 505-827-4533

P.O. Box 1269 1120 Paseo de Peralta Santa Fe, NM 87504-1269

April 24, 2012

Governor Susana Martinez State Capitol Room 400 Santa Fe, NM 87501

US Congressman Steve Pearce 2432 Rayburn House Office Bldg Washington, DC 20515

Congressman Ben Ray Lujan 330 Cannon HOB Washington, D.C. 20515 Representative Martin Heinrich 336 Cannon HOB Washington, DC 20515

Senator Tom Udall 110 Hart Senate Office Building Washington DC, 20510

Senator Jeff Bingaman 703 Hart Senate Office Bldg. Washington, D.C. 20510

A Request that the US EPA, the State of New-Mexico and Public Service Company of New Mexico Voluntarily Stay their Litigation to Allow Further Time to Seek a Third Alternative Solution for San Juan Generating Station

The four coal-fired generating units at the San Juan Generating Station ("SJGS") first went into service in the 1970s. Although pollution control systems have been updated over the years, SJGS is not compliant with current EPA regional haze reduction standards. Achieving-regulatory compliance following the EPA's mandated plan could require an investment of \$750 million or more, leaving the state and its largest utility saddled with an inordinately expensive, aging, and inefficient relic. Even the PNM/State of New Mexico alternate compliance plan for SJGS, estimated to cost "only" \$100 million, looks like an ill-advised investment in the past.

We believe there is a third alternative that must be considered, an alternative that decreases, rather than increases, the state's exposure to the environmental, regulatory and financial risks posed by over-reliance on a 40-year old coal generation plant. This would be based around scheduling the retirement of one or more of the existing SJGS units, to be replaced with natural gas fired combined cycle technology.

We write today to encourage PNM, the State of New Mexico, and the EPA to seek a voluntary stay of the current litigation over the two competing plans in order to allow the parties sufficient...... time to explore this third alternative and, hopefully, to enter into a agreement that resolves environmental and cost concerns but also, importantly, provides a pathway to the future for the Four Corners Region. We believe that whatever decision is made regarding SJGS will be the most important strategic energy decision facing the State now and for the foreseeable future.

The EPA and the PNM/State proposed solutions for SJGS are deeply flawed because:

- Both solutions would entail the investment of significant capital in a 40 year old, inefficient
 power plant to be paid by the customers of PNM and other New Mexico utilities over a
 period stretching beyond 2070. By the time this plant and its retrofits would be paid off by
 the customers it would be 100 years old or older.
- SJGS would remain exposed to future EPA environmental regulation since neither solution reduces the dependence of SJGS on coal.
- Both proposed solutions would have the perverse result of decreasing plant output while increasing the CO2 emission per MWH produced and increasing the cost per MWH produced. In both solutions, we will get less clean air at higher cost.
- Neither of the proposed solutions address the ancillary impacts of coal use at SJGS, including
 the worrisome amounts of carbon dioxide emissions, water consumption, and coal ash
 disposal. In fact, both proposed solutions could exacerbate these impacts.
- The proposed solutions ignore the vast quantities of natural gas a much cleaner fossil energy resource - abundantly available in New Mexico at historically low costs.

Both proposed solutions leave the Four Corners Region and its citizens bound to an outdated technology and aging infrastructure with no apparent bridge to a future sustainable economic foundation. In short, the current solutions being contemplated for SJGS are simply unsustainable.

There is a third alternative for SJGS, however, which would involve retiring some of the existing coal units and replacing them with modern, efficient, clean natural gas fired combined cycle technology which takes advantage of New Mexico's abundant natural gas resources; implementing the State/PNM solution for the SJGS units that would continue to be operational; and implementing a modest amount of renewable energy resources in the region.

Preliminary analyses done by independent parties indicate that this third alternative solution would reduce haze by an amount at least equal to the EPA's proposed solution but at a cost savings of more than 40%. Further, this third alternative would significantly reduce CO2 emissions, water consumption and coal ash disposal requirements, while providing an infrastructure for future cleaner energy development in the Four Corners Region. The addition

of renewable energy resources would not only help PNM to meet its statutory RPS requirements within cost constraints but would also facilitate the attraction of clean-tech companies to the Four Corners, a benefit which could not happen under the currently proposed solutions.

But so far, it appears there is no serious discussion ongoing about this or any other third alternative solution. Given the high stakes and the money involved for New Mexico, we believe that serious consideration has to be given to this third alternative. What it will take is better cooperation between the parties and, especially, more time to bring the parties into a mutual understanding.

We believe all reasonable parties would want this third alternative thoroughly explored before customers are forced into an irrevocable commitment involving hundreds of millions of dollars. We are asking that you support our request to the EPA, the State and PNM to enter into a temporary stay of the EPA's order and for them to request the 10th Circuit Court to stay its proceedings so that the parties may have additional time to further discuss and analyze this alternative solution that we believe would be of the greatest benefit to the state. We believe that the parties would be open to such a request and would find your support of a stay to be helpful to the process.

The stakes are high and, unfortunately, time for careful decision-making is running out. The people of New Mexico and the Four Corners will not be served by implementation of a hasty plan, whose long-term consequences are severe, simply to meet an arbitrarily established deadline.

Sincerely,

Jason Marks, Commissioner 1st District New Mexico Public Regulation Commission

Douglas Howe, Commissioner 3rd District

Joga Jak

New Mexico Public Regulation Commission

Barack Obama, President United States 1600 Pennsylvania Avenue NW Washington, DC 20500

Gary King, Attorney General 408 Galisteo St PO Drawer 1508 Santa Fe, NM 87504

GloJean Todacheene, Commissioner San Juan County 100 South Oliver Dr. Aztec, NM 87410

Margaret McDaniel, Commissioner San Juan County 100 South Oliver Dr. Aztec, NM 87410

Scott Eckstein, Commissioner San Juan County 100 South Oliver Dr. Aztec, NM 87410

James Henderson, Commissioner San Juan County 100 South Oliver Dr. Aztec, NM 87410

Tony Atkinson, Commissioner San Juan County 100 South Oliver Dr. Aztec, NM 87410

Levi Presata, President Jicarilla Apache Nation P.O. Box 507 Dulce, NM 87528

Tommy Roberts, Mayor 800 Municipal Drive Farmington, NM 87401

Pat Vincent Collawn, CEO PNM Alvardo Square – MS 2824 Albuquerque, NM 87158 Lisa Jackson, Administrator, EPA 1200 Pennsylvania Avenue North West-Washington, DC 20004

Patrick Lyons, Commissioner Public Regulations Commissioner PO Box 1269 Santa Fe, NM 87504

Ben Hall, Commissioner
Public Regulations Commissioner
PO Box 1269
Santa Fe, NM 87504

Theresa Becenti-Aguilar Public Regulations Commissioner PO Box 1269 Santa Fe, NM 87504

Paul J. Bonavia, CEO Tucson Electric Power Co. 88 East Broadway Tucson, Arizona 85701

Ben Shelly, President Navajo Nation P.O. Box 9000 Window Rock, AZ 86515

Tom Tait, Mayor City Hall 7th Floor 200 South Anaheim Boulevard, Anaheim, CA 92805

Martin Hopper, General Manager MSR Public Power Agency PO Box 4060 Modesto, CA 95352

Doug Hunter, Gen Manager Utah Assoc. of Municipal Power Systems 155 North 400 West Suite 480 Salt Lake City, UT 84103 F. David Martin, Cabinet Secretary NM Secretary of Environment PO Box 5469 Santa Fe, New Mexico 87502-5469

Robert E. Busch, Chairman New Mexico Renewable Energy Transmission Authority 1516 Paseo De Peralta Santa Fe, NM 87501

Sharon Stover, Council Chair Los Alamos County 1133 Central Park Square Los Alamos, NM 87544

Ron Selvage, Vice Chair Los Alamos County 1133 Central Park Square Los Alamos, NM 87544

Fran Berting, Councilor
Los Alamos County
1133 Central Park Square
Los Alamos, NM 87544

Vincent Chiravalle, Councilor Los Alamos County 1133 Central Park Square Los Alamos, NM 87544

David Izraelevitz, Councilor Los Alamos County 1133 Central Park Square Los Alamos, NM 87544 Ken Anderson, Executive Vice President Tri-State Generation and Transmission Association, Inc. 1100 W. 116th Avenue Westminster, CO 80234 (303) 452-6111

Scott Eckstein, Mayor City of Bloomfield 915 N. First St. PO Box 1839 Bloomfield, NM 87413

Gary Pierce, Chairman Arizona Corporation Commission 1200 West Washington Street Phoenix, AZ 85007

Jacobus Fourie, President BHP Billiton 300 W Arrington Street # 200 Farmington, NM 87401-8433

Geoff Rodgers, Councilor Los Alamos County 1133 Central Park Square Los Alamos, NM 87544

Michael E. Wismer, Councilor Los Alamos County 1133 Central Park Square Los Alamos, NM 87544



{In Archive} RE: meeting w/ Dr. Armendariz Wallace, Andrew (Tom Udall) to: Cynthia Fanning

04/09/2012 04:39 PM

From:

"Wallace, Andrew (Tom Udali)" <Andrew_Wallace@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

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OK, thanks, San Juan seems to be the issue of the day. The FIP was released a while back and we understand that EPA's draft decision on the SIP is coming in April. We've been hearing quietly from PNM, NM PRC Commissioner Doug Howe, and the environmental groups about potential agreements that might happen that would take a different path than either the FIP or the SIP, so would definitely be interested in hearing from Dr. Armendariz about his thoughts on the viability of those kinds of discussions. Some of that has made its way into recent media stories in NM I believe, but we're not sure how seriously to take these ideas.

From: Cynthia Fanning [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Monday, April 09, 2012 5:33 PM To: Wallace, Andrew (Tom Udall)

Subject: Re: meeting w/ Dr. Armendariz

Drew -

I apologize for not getting back with you. I can confirm that the topic is San Juan. Al would like to make sure the senator is aware of recent developments such as the FIP.

Cynthia Fanning Congressional Liaison US Environmental Protection Agency, Region 6 direct 214-665-2142 office 214-665-2200 214-665-2118

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Date:

04/09/2012 04:16 PM

Subject:

meeting w/ Dr. Armendariz

Cynthia,

Any more insight on the topic of the meeting Dr. Armendariz requested w/ Sen. Udall? I'm still assuming its San Juan Regional Haze, which I think is a great topic for them to discuss, but clarification would help. Thanks, Drew

Andrew G. Wallace Senior Policy Advisor Sen. Tom Udall (NM)



{In Archive} Senate EPW Border Hearing Wallace, Andrew (Tom Udall) to: Laura Gomez, Cynthia Fanning

04/04/2012 05:58 PM

From: To: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov> Laura Gomez/DC/USEPA/US@EPA, Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

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As an FYI, we are expecting these witnesses, invited by the minority on EPW. We are expecting them to focus on the federal border environmental programs that are the topic of the hearing.

Henry Darwin, Director, Arizona Department of Environmental Quality Stephen M. Niemeyer, P.E., Border Affairs Manager and Colonias Coordinator, Texas Commission on Environmental Quality

-Drew

From: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To: Cynthia Fanning/R6/USEPA/US@EPA

Date: 11/09/2011 01:49 PM

Subject: RE: News release: EPA Announces Court Ordered Schedule for Action on

State-Led Efforts to Reduce Harmful Haze-Forming Pollutants

The table A in the consent decree with the June deadline says "all remaining RH SIP elements" for NM

Just want to confirm that refers to the SIP that NM recently submitted for the San Juan Generating Station?

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Wednesday, November 09, 2011 2:35 PM

Subject: News release: EPA Announces Court Ordered Schedule for Action on State-Led Efforts to Reduce Harmful Haze-Forming Pollutants

EPA Announces Court Ordered Schedule for Action on State-Led Efforts to Reduce Harmful Haze-Forming Pollutants

Release Date: 11/09/2011

Contact Information: Enesta Jones, jones. Enesta@epa.gov.

In many cases, these controls have already been or are in the process of being installed to meet other state and federal requirements, including the recently issued Cross-State Air Pollution Rule, which is expected to cut millions of tons of sulfur dioxide and nitrogen oxides in 27 states by 2014, meaning additional action may not be necessary. In addition, EPA intends to propose and finalize a rule by spring 2012 that addresses the determination that—for power plants—meeting the requirements in the cross-state rule will fulfill the best available retrofit technology requirements under the regional haze program. Rules that reduce emissions from motor vehicles, including a suite of clean diesel rules that cover a wide range of heavy-duty vehicles and equipment, will also go a long way to help improve visibility.

Regional haze plans focus on reducing harmful pollution from large, older stationary sources, including power plants, cement plants and large industrial boilers. Facilities covered by the plans, those from 35 to 50 years old, will rely on proven, cost-effective and widely available pollution control methods if emissions from those facilities are found to cause haze at national parks or wilderness areas. In addition to improving visibility in our nation's most treasured natural areas, these plans will protect public health, while supporting local tourism and economic development, especially in the western United States.

Natural areas including the Grand Canyon, Yosemite, Yellowstone, Mount Rainier, and the Shenandoah Valley are impacted by regional haze. Pollutants that form haze include fine particle pollution, and compounds that contribute to its formation, such as nitrogen oxides, sulfur dioxide, and certain volatile organic compounds.

EPA initially issued a rule in 1999 requiring states to submit regional haze plans. These plans were due in December 2007. National Parks Conservation Association and other environmental groups sued the agency in August 2011 to take action on these plans. Today's consent decree resolves this litigation. EPA will accept public comment on this agreement for 30 days following publication of a notice in the Federal Register.

More information on regional haze: http://www.epa.gov/visibility/actions.html

Cynthia Fanning Congressional Liaison US Environmental Protection Agency, Region 6 direct 214-665-2142 office 214-665-2200



{In Archive} RE: San Juan Generating Station FIP/SIP

Wallace, Andrew (Tom Udall) to: Cynthia Fanning

Cc: Laura Vaught

09/12/2011 03:07 PM

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To: Cc: Cynthia Fanning/R6/USEPA/US@EPA Laura Vaught/DC/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

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Yep, thanks

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Monday, September 12, 2011 4:05 PM

To: Wallace, Andrew (Tom Udall) Cc: Vaught.Laura@epamail.epa.gov

Subject: Re: San Juan Generating Station FIP/SIP

Drew -

Thank you for your inquiry. EPA has reached an agreement in principle to propose action on the NM Regional Haze SIP by February 15, 2012, and have a final action signed by June 15, 2012. Our proposal will be followed by a public comment period.

I hope this is helpful. Please let me know if you have any further questions or if I may be of additional assistance.

Cynthia Fanning Congressional Liaison US Environmental Protection Agency, Region 6 direct 214-665-2142 office 214-665-2200 fax 214-665-2118

From:

"Wallace, Andrew (Torn Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Laura Vaught/DC/USEPA/US@EPA, Cynthia Fanning/R6/USEPA/US@EPA

Date:

09/09/2011 08:44 AM

Subject:

San Juan Generating Station FIP/SIP

Hi Laura and Cynthia,

Just wanted to loop back and get a fuller understanding on the EPA's process to consider the NM SIP on the San Juan Generating Station. It was my understanding there would be some kind of notice and public comment procedure for that, while EPA continues to implement the FIP issued in August. Curious about exactly what happens, and likely timing. Thanks, Drew



{In Archive} RE: EPA Action on New Mexico Interstate Transport and Regional Haze

Wallace, Andrew (Tom Udall) to: Cynthia Fanning

08/05/2011 01:00 PM

From:

"Wallace, Andrew (Tom Udall)" < Andrew_Wallace@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

ok

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]
Sent: Friday, August 05, 2011 2:00 PM
To: Wallace, Andrew (Tom Udall)

Subject: RE: EPA Action on New Mexico Interstate Transport and

Regional Haze

I do not believe so.

Cynthia Fanning
Congressional Liaison
US Environmental Protection Agency, Region 6
direct 214-665-2142
office 214-665-2200
fax 214-665-2118

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Date:

08/05/2011 12:55 PM

Subject:

RE: EPA Action on New Mexico Interstate Transport and Regional Haze

Thanks Cynthia—will there be a press release on this also?

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Friday, August 05, 2011 1:36 PM

Subject: EPA Action on New Mexico Interstate Transport and Regional

Haze

Today, EPA is issuing a final source-specific federal plan that will help protect public health and improve visibility at 16 of our most treasured

parks including the Grand Canyon, Mesa Verde and Bandelier National Monument. As it has with states across the country, EPA has been working with the state of New Mexico to put in place a long over-due plan to address emissions that impair visibility in national parks and wilderness areas.

Today's federal plan relies on proven, cost-effective and widely used technologies to protect public health in New Mexico and neighboring states by cutting dangerous nitrous oxide emissions by over 80 percent from one of the nation's largest polluting power plants. These efforts will dramatically improve visibility in 16 park and wilderness areas in the southwestern US, decreasing the number of days with impaired scenic views and as a result, promoting local tourism.

In response to comments received on the proposal, EPA has extended the compliance timeline by two years, giving the facility five years to meet the requirement. Although the state plan New Mexico recently submitted to the agency did not provide a basis to delay today's decision, EPA will review the plan promptly and remains committed to working with New Mexico on this important issue.

A pre-publication version of the final rule is attached. Additional information is on the web at: http://www.epa.gov/region6/region-6/nm/nm_san_juan.html.

Cynthia Fanning
Congressional Liaison
US Environmental Protection Agency, Region 6
direct 214-665-2142
office 214-665-2200
fax 214-665-2118



(In Archive) RE: NM air rules question Wallace, Andrew (Tom Udall) to: Josh Lewis Cc: Arvin Ganesan, Cynthia Fanning, David Gray

08/02/2011 09:17 AM

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Josh Lewis/DC/USEPA/US@EPA

Cc:

Arvin Ganesan/DC/USEPA/US@EPA, Cynthia Fanning/R6/USEPA/US@EPA, David

Gray/R6/USEPA/US@EPA

History:

This message has been forwarded.

Archive:

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Hi folks, PNM's heard that the decision's been made and both FIPs are going to go forwards Friday, thus requiring SCR. Is there a path for PNM/State of NM to continue to discuss this w/ EPA/amend it, or is this basically totally final? (notwithstanding any court action)

Thanks, I'm at

----Original Message----

From: Josh Lewis [mailto:Lewis.Josh@epamail.epa.gov]

Sent: Monday, July 18, 2011 2:06 PM To: Wallace, Andrew (Tom Udall)

Cc: Arvin Ganesan; Cynthia Fanning; David Gray

Subject: Re: NM air rules question

Hi Drew,

Checking on this for you...will be back in touch with a status update just as soon as possible.

Josh Lewis

USEPA/Office of Congressional and Intergovernmental

Relations

phone: 202-564-2095 fax: 202-501-1550

From:

"Wallace, Andrew (Tom Udall)"

<Andrew_Wallace@tomudall.senate.gov>

To:

Josh Lewis/DC/USEPA/US@EPA, Arvin

Ganesan/DC/USEPA/US@EPA

Cc:

Cynthia Fanning/R6/USEPA/US@EPA, David

Gray/R6/USEPA/US@EPA

Date:

07/18/2011 01:37 PM

Subject:

NM air rules question

Hi folks, got a NM air question on behalf of Sen. Udali.

Earlier this year, Sen. Udall did a Q&A w/ Asst. Admin. McCarthy on the

back and forth between EPA and the State of NM re: FIPs & SIPs. Delegation staff also had one w/ Reg. Admin. Armendariz about the competing cost estimates re: SCR/NSCR for PNM's San Juan plant. It's our understanding that the State of NM asked EPA to split the proceedings on the proposed FIPs for interstate transport and regional haze, so that the FIP for the interstate transport rule, which is subject to an Aug. consent order, can go forwards, while EPA takes time to review and decide on the state's SIP for regional haze (which goes to the San Juan issue). At this point just have a process/status question: is EPA considering such an option and does it plan to reasoning/decision-making on this to the State of NM prior to the consent order deadline?

Thanks, Drew

Andrew G. Wallace Senior Policy Advisor Sen. Tom Udall (NM) 110 Hart Senate Office Building Washington, D.C. 20510



(In Archive) NM air rules question
Wallace, Andrew (Tom Udall) to: Josh Lewis, Arvin Ganesan

Cc: Cynthia Fanning, David Gray

07/18/2011 12:37 PM

From: To: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov> Josh Lewis/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA Cynthia Fanning/R6/USEPA/US@EPA, David Gray/R6/USEPA/US@EPA

Cc:

This message has been forwarded.

Archive:

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Hi folks, got a NM air question on behalf of Sen. Udall.

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Thanks, Drew

Andrew G. Wallace Senior Policy Advisor Sen. Tom Udall (NM) 110 Hart Senate Office Building Washington, D.C. 20510



{In Archive} RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

Wallace, Andrew (Tom Udall) to: TorresSmall, Xochiti (Tom Udall), Cynthia Fanning

04/05/2011 05:01 PM

Cc: "Apodaca, Anna (Tom Udall)", "Ortizwertheim, Bianca (Tom Udall)"

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

"TorresSmall, Xochitl (Tom Udall)" <Xochitl_TorresSmall@tomudall.senate.gov>, Cynthia

Fanning/R6/USEPA/US@EPA

Cc:

"Apodaca, Anna (Tom Udall)" <Anna_Apodaca@tomudall.senate.gov>, "Ortizwertheim, Bianca

(Tom Udall)" <Bianca_Ortizwertheim@tomudall.senate.gov>

History:

This message has been replied to and forwarded.

Archive:

This message is being viewed in an archive.

Cynthia, pass along our thanks to the Reg. 6 folks for working on this and we hope to see the path forward work out successfully.

From: TorresSmall, Xochitl (Tom Udall) Sent: Tuesday, April 05, 2011 4:01 PM

To: Fanning.Cynthia@epamail.epa.gov; Wallace, Andrew (Tom Udall) Cc: Apodaca, Anna (Tom Udall); Ortizwertheim, Bianca (Tom Udall) Subject: RE: News release: EPA Orders Dona Ana County and Las Cruces

to Clean Drinking Water Aquifer

Hi Cynthia,

I was able to attend the reception for the meeting in Las Cruces. The discussion fostered a lot of good will, and all parties were optamistic about the path forward. It was great to meet Administrator Armendariz and Superfund Division Director Sam Coleman. Thank you (as always) for your help.

Best,

Xochitl Torres Small Field Representative Office of United States Senator Tom Udall 505 S. Main St. Suite 118 Las Cruces, NM 88001

Connect with Tom at tomudall.senate.gov









From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Tuesday, April 05, 2011 1:40 PM
To: Wallace, Andrew (Tom Udall)
Cc: Apodaca, Anna (Tom Udall); Ortizwertheim, Bianca (Tom Udall);
TorresSmall, Xochitl (Tom Udall)

Subject: RE: News release: EPA Orders Dona Ana County and Las Cruces

to Clean Drinking Water Aquifer

Drew -

This is to follow up with you regarding your request that EPA meet with the City of Las Cruces and Dona Ana County, NM, regarding the Griggs and Walnut Ground Water Plume Superfund site. EPA Regional Administrator Armendariz and Superfund Division Director Sam Coleman met the the city and county on Thursday, March 31, for a productive discussion about EPA's recent order and cleanup funding. At the close of the meeting, participants agreed to a path forward to resolve the city and county's concerns.

I hope this information is helpful. Please let me know if you have any questions about the meeting or the site.

Cynthia Fanning
Congressional Liaison
US EPA, Region 6
direct 214-665-2142
office 214-665-2200
fax 214-665-2118

Fro"Wallace, Andrew (Tom Udail)" <Andrew_Wallace@tomudall.senate.gov>
m:
To:Cypthia Fanning/P6/USERA/US@ERA

To: Cynthia Fanning/R6/USEPA/US@EPA

Cc:"Apodaca, Anna (Tom Udall)" <Anna_Apodaca@tomudall.senate.gov>, "Ortizwertheim, Bianca (Tom Udall)" <Bianca_Ortizwertheim@tomudall.senate.gov>, "TorresSmall, Xochitl (Tom Udall)" <Xochitl_TorresSmall@tomudall.senate.gov>

Da 03/03/2011 05:12 PM

te

Su RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

ct:

Thanks for the quick reply. There appears to be some miscommunication going on with the meeting request. Either way it doesn't sound like the City realized the meeting offer (which was to the County), but we will relay that to them and hopefully that will get the ball rolling.

They did state their concern that EPA's 2/14 order had short circuited their preferred route of a consent.

order which would have allowed for future PRPs (they indicated they had asked to add the National Guard, but EPA had not responded) and deal more flexibly with the cleanup (they claim the order forces them to spend \$7M even though the bids came in below the initial estimate).

Again, we haven't independently dug into the details at this point, but those are the concerns the Senator heard, and hopefully a high level conversation between Reg. 6 and the City/County can sort this out. But if your folks thing there is something major we need to understand here, please let us know.

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Thursday, March 03, 2011 12:02 PM

To: Wallace, Andrew (Tom Udall)

Cc: Apodaca, Anna (Tom Udall); Ortizwertheim, Bianca (Tom Udall); TorresSmall, Xochitl (Tom Udall) Subject: RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

Drew -

Thank you for letting me know about the County's concerns. Shortly after the request for a meeting was made, on February 16, our attorney for the case, Mr. James Costello, contacted his counterpart at the respondent's legal team to let them know we would be glad to meet with them. Our Regional Administrator offered to fly to Las Cruces for this meeting. We asked that the respondents propose a date and we are awaiting their response.

I hope this information is helpful. Please let me know if I may be of further assistance.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118

Fro "Wallace, Andrew (Tom Udali)" <Andrew_Wallace@tomudali.senate.gov>

To: Cynthia Fanning/R6/USEPA/US@EPA

Cc: "TorresSmall, Xochitl (Tom Udall)" <Xochitl_TorresSmall@tomudall.senate.gov>, "Apodaca, Anna (Tom Udall)" <Anna_Apodaca@tomudall.senate.gov>, "Ortizwertheim, Bianca (Tom Udall)" <Bianca_Ortizwertheim@tomudall.senate.gov>

Dat03/03/2011 08:25 AM

e

Su RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer bie

ct:

Hi Cynthia, the Mayor of Las Cruces and various other officials are meeting with Sen. Udall today on this issue this afternoon. It's our understanding that Dona Ana County has requested a meeting on this topic

w/ Reg. Admin. Dr. Armendariz on Feb. 14th, but have not heard back. It's my understanding that the County and City feel there was a lack of communication about this order, and that the order has some complicating effect on the flexibility of the use of the funds, especially the long term responsibility of operation and maintenance, so they are requesting modification. At this time, we're not expressing any opinion about the specifics, but this is an important issue for the City and County, and we would like to support their meeting request, and ask y'all to get back with them on that, if Region 6 has not done so already. CC'ing our state staff. Many thanks, Drew

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Friday, February 25, 2011 2:45 PM

To: Wallace, Andrew (Tom Udall)

Subject: RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water

Aquifer

February 14.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118

From: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To: Cynthia Fanning/R6/USEPA/US@EPA

Date: 02/25/2011 01:38 PM

Subject: RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

The release says that EPA "recently" issued an order. When did that occur?

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Friday, February 25, 2011 2:36 PM

Subject: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

This is to let you know that EPA will distribute the following news release today. Please let me know if you have any questions.

EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

(DALLAS - February 25, 2010) The U.S. Environmental Protection Agency (EPA) recently issued an order to Doña Ana County and the City of Las Cruces to clean a contaminated ground water aquifer under the city. The aquifer has been used by the City of Las Cruces for drinking water and poses an imminent and substantial danger to anyone who drinks from it.

The city and county will be required to build a system that will extract, treat and remove the contaminant from the aquifer. The contaminant, perchloroethylene (PCE) - widely used for dry cleaning and degreasing, is above the maximum contaminant level under the Safe Drinking Water Act.

In October 2009, EPA also ordered the county and city to develop a plan for the removal of the contamination. The current order directs the county and city to complete the remedial action according to the 2009 plan.

The source of the contamination has been identified as historical releases that occurred at the site known as the Griggs and Walnut Ground Water Plume Superfund Site, named after two intersecting streets in Las Cruces. The releases were most likely associated with maintenance activities or waste disposal. Doña Ana County is located in south-central New Mexico and bordered by Mexico and Texas to the south.

On June 14, 2001, EPA listed the site on the National Priority List, EPA's list of uncontrolled hazardous substance releases in the United States that are priorities for long-term evaluation and response.

PCE in humans has been known to cause adverse neurological, liver and kidney effects following short-term and long-term inhalation exposure. Some people who drink water containing PCE in excess of the maximum contaminant level over many years could have problems with their liver and may have an increased risk of getting cancer.

EPA continues working with New Mexico Environment Department, the city and county to address concerns about the contamination.

More about activities in EPA Region 6: http://www.epa.gov/aboutepa/region6.html

EPA audio file is available at http://www.epa.gov/region6/6xa/podcast/feb2011.html

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Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



{In Archive} RE: News release: EPA Orders Dona Ana County and Las

Cruces to Clean Drinking Water Aquifer Wallace, Andrew (Tom Udall) to: Cynthia Fanning

03/03/2011 08:25 AM

"TorresSmall, Xochitl (Tom Udall)"

, "Apodaca, Anna (Tom

, "Ortizwertheim, Bianca (Tom Udall)"

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

Cc:

"TorresSmall, Xochitl (Tom Udall)" <Xochitl_TorresSmall@tomudall.senate.gov>, "Apodaca, Anna (Tom Udali)" <Anna_Apodaca@tomudall.senate.gov>, "Ortizwertheim, Bianca (Tom

Udall)" <Bianca_Ortizwertheim@tomudall.senate.gov>

History:

This message has been replied to and forwarded.

Archive:

This message is being viewed in an archive.

Hi Cynthia, the Mayor of Las Cruces and various other officials are meeting with Sen. Udall today on this issue this afternoon. It's our understanding that Dona Ana County has requested a meeting on this topic w/ Reg. Admin. Dr. Armendariz on Feb. 14th, but have not heard back. It's my understanding that the County and City feel there was a lack of communication about this order, and that the order has some complicating effect on the flexibility of the use of the funds, especially the long term responsibility of operation and maintenance, so they are requesting modification. At this time, we're not expressing any opinion about the specifics, but this is an important issue for the City and County, and we would like to support their meeting request, and ask y'all to get back with them on that, if Region 6 has not done so already. CC'ing our state staff. Many thanks, Drew

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Friday, February 25, 2011 2:45 PM

To: Wallace, Andrew (Tom Udall)

Subject: RE: News release: EPA Orders Dona Ana County and Las Cruces

to Clean Drinking Water Aquifer

February 14.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov> From:

Cynthia Fanning/R6/USEPA/US@EPA To:

Date: 02/25/2011 01:38 PM

Subject: RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

The release says that EPA "recently" issued an order. When did that occur?

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Friday, February 25, 2011 2:36 PM

Subject: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

This is to let you know that EPA will distribute the following news release today. Please let me know if you have any questions.

EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

(DALLAS - February 25, 2010) The U.S. Environmental Protection Agency (EPA) recently issued an order to Doña Ana County and the City of Las Cruces to clean a contaminated ground water aquifer under the city. The aquifer has been used by the City of Las Cruces for drinking water and poses an imminent and substantial danger to anyone who drinks from it.

The city and county will be required to build a system that will extract, treat and remove the contaminant from the aquifer. The contaminant, perchloroethylene (PCE) - widely used for dry cleaning and degreasing, is above the maximum contaminant level under the Safe Drinking Water Act.

In October 2009, EPA also ordered the county and city to develop a plan for the removal of the contamination. The current order directs the county and city to complete the remedial action according to the 2009 plan.

The source of the contamination has been identified as historical releases that occurred at the site known as the Griggs and Walnut Ground Water Plume Superfund Site, named after two intersecting streets in Las Cruces. The releases were most likely associated with maintenance activities or waste disposal. Doña Ana County is located in south-central New Mexico and bordered by Mexico and Texas to the south.

On June 14, 2001, EPA listed the site on the National Priority List, EPA's list of uncontrolled hazardous substance releases in the United States that are priorities for long-term evaluation and response.

PCE in humans has been known to cause adverse neurological, liver and kidney effects following short-term and long-term inhalation exposure. Some people who drink water containing PCE in excess of the maximum contaminant level over many years could have problems with their liver and may have an increased risk of getting cancer.

EPA continues working with New Mexico Environment Department, the city and county to address concerns about the contamination.

More about activities in EPA Region 6: http://www.epa.gov/aboutepa/region6.html

EPA audio file is available at http://www.epa.gov/region6/6xa/podcast/feb2011.html

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



{In Archive} RE: Letter requesting an extension to public comment period on San Juan Generating Station FIP

Wallace, Andrew (Tom Udall) to: Cynthia Fanning, Alpert, Dan (Bingaman)

02/28/2011 08:30 AM

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA, "Alpert, Dan (Bingaman)"

<Dan_Alpert@bingaman.senate.gov>

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

Hi Cynthia,

Dan says he called this AM and you're out today, so let's all get on the phone together tomorrow. I could a quick call starting sometime between 11ET/10CT through 1PMET/12CT.

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov] Sent: Friday, February 25, 2011 5:24 PM

To: Wallace, Andrew (Tom Udall)

Subject: Letter requesting an extension to public comment period on

San Juan Generating Station FIP

Drew -

Please give me a call when you have a minute regarding this letter. Thanks!

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



{In Archive} RE: News release: EPA Orders Dona Ana County and Las Cruces to Clean Drinking Water Aquifer

Wallace, Andrew (Tom Udall) to: Cynthia Fanning

02/25/2011 01:38 PM

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to and forwarded.

Archive:

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EPA continues working with New Mexico Environment Department, the city and county to address concerns about the contamination.

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Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118



{In Archive} NM border nonattainment

Wallace, Andrew (Tom Udall) to: Patricia Haman, Arvin Ganesan, Cynthia Fanning

05/26/2010 04:57 PM

Cc: "Apodaca, Anna (Tom Udall)"

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Cc:

Patricia Haman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Cynthia

Fanning/R6/USEPA/US@EPA

...

"Apodaca, Anna (Tom Udali)" <Anna_Apodaca@tomudali.senate.gov>

History:

This message has been replied to and forwarded.

Archive:

This message is being viewed in an archive.

Not sure who is the right person here but I would like to request a briefing to learn about EPA's proposed ozone rule as it applies to border areas that see significant amounts of cross border air pollution from Mexico. We are hearing more and more concerns from the communities in NM near the El Paso metro area, which sees a lot of cross border air emissions from Ciudad Juarez, MX. They are going to go into nonattainment due in significant part to those cross border emissions and are concerned about the impacts of that.

I'm sure you've all heard those concerns before but would like to get up to speed about what special considerations and/or policies are brought to bear when significant amounts of the emissions of a nonattainment area come over an international border. Thanks, Drew

Andrew G. Wallace Senior Policy Advisor Office of Senator Tom Udall (NM) 110 Hart Senate Office Building



(In Archive) Kirtland AFB fuel leak Wallace, Andrew (Tom Udall) to: Cynthia Fanning

05/04/2010 10:43 AM

From:

"Wallace, Andrew (Tom Udali)" <Andrew_Wallace@tomudali.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to and forwarded.

Archive:

This message is being viewed in an archive.

Cynthia,

Has Region 6 been involved in this situation? Could you update me on EPA actions in re: to this situation? Sen. Tom Udall was not closely involved in this as it was not in his old House district, but this is a very serious contamination problem.

Thanks, Drew

http://www.kirtland.af.mil/environment.asp

State: Kirtland Jet Fuel Leak Massive

May 4, 2010 7:47:31 AM

John Fleck

Albuquerque Journal

Anew estimate puts the volume of a Kirtland Air Force Base jet fuel leak at nearly 8 million gallons.

Those are Exxon Valdez-scale numbers, and the fuel is slowly creeping through the water table beneath an Albuquerque neighborhood toward municipal water wells. State officials say there are serious questions about whether the Air Force is acting quickly enough to deal with the problem.

"It's probably the biggest groundwater contamination problem in the state right now," said Bruce Thomson, head of the University of New Mexico's Water Resources Program.

More than 10 years after the spill was discovered, the Air Force still does not know the full extent of the contamination, according to a sharply worded April letter from the New Mexico Environment Department to the Air Force.

The letter labels the spill "a significant threat to human health and the environment, particularly to well water in urban neighborhoods adjacent to Kirtland Air Force Base."

There appears to be no danger to the people living on top of the spreading contamination. The real danger is to Albuquerque's water supply. Two municipal water supply wells are in the fuel's path. If it reaches them, the wells will have to be shut down.

Air Force officials believe the size of the spill is substantially smaller and say they are dealing with the problem. A network of monitoring wells is being used to characterize the extent of the contamination. Four extraction pumps are slowly pulling some of the fuel out of the ground. The Air Force has already spent \$10million dealing with the leak.

"We own the problem," said Col. Matt Bartlett, the base's mission support commander. "We're going to fix the problem."

State regulators do not sound confident about the effort.

In a briefing for federal officials on the issue, James Bearzi of the

Environment Department called the Air Force's approach "a little league approach to a major league problem."

The fuel came from underground pipes at a Kirtland loading facility built in the 1950s. Air Force officials first noticed something amiss in 1999, and they think it had been leaking for decades.

It was not until 2007 that the Air Force investigations revealed the fuel had reached the water table and was moving off of the Air Force base, beneath the neighborhoods of southeast Albuquerque, toward the city's water wells.

Groundwater contamination seems to be inevitable in urban areas, and the Albuquerque metro area has its share:

Four water wells were shut down in an area on the east edge of Downtown Albuquerque after the discovery in the late 1980s of hazardous waste from a defunct dry cleaners.

Nearly 10,000 tons of contaminated dirt have already been dug out of an old Atcheson, Topeka and Santa Fe railroad tie plant, and a water treatment plant is currently under construction.

Twenty private water wells and two municipal wells were closed after contamination escaped from the old General Electric plant in Bernalillo County's South Valley.

In all, the Environment Department is tracking 27 groundwater contamination sites in the county under various stages of monitoring and cleanup.

But when you combine the size of the jet fuel spill and its proximity to a key part of the water supply of the state's largest metro area, nothing in the metro area, or anywhere in the state, comes close to the Kirtland problem.

The Air Force and Kirtland disagree on the numbers. The Air Force estimates that between 1million and 2million gallons of jet fuel leaked. The Environment Department puts the size of the spill at 8million gallons.

Big numbers like that are sometimes hard to think about, so here's a comparison.

The Exxon Valdez oil tanker spilled an estimated 11million gallons into Prince William Sound in Alaska in 1989.

The aquifer beneath the city remains a critical part of our long-term water supply, said John Stomp, chief operating officer with the Albuquerque Bernalillo County Water Utility Authority. While the utility is shifting to more use of surface water, Stomp said groundwater remains "our savings account."

Tucked on one edge of Whittier Elementary School off San Mateo SE, next to the playground, is Stomp's Burton Well 5. Its 600 horsepower motor is capable of pumping 2,850 gallons of water per minute. Jet fuel is currently less than a mile away and moving slowly in the well's direction. A second municipal well, located in the city's International District, also is in the fuel's path.

"it needs to be cleaned up," Stomp said of the spill. "It's moving. It's large."

The urgency with which state regulators view the problem can be seen in an obscure but significant bureaucratic development last month. In an April 2 letter, the Environment Department informed the Air Force that jurisdiction over the fuel spill was being transferred from the state's Groundwater Quality Bureau to the Hazardous Waste Bureau.

That might sound like boring organization chart stuff, but it has substantive implications. Groundwater regulators had little regulatory muscle to push the Air Force because of restrictions on their ability to tell

federal agencies what to do. Not so the Hazardous Waste Bureau, which has broader legal authority to compel federal agencies to act to monitor and clean up spills.

The letter is an attempt to force the Air Force to drill more monitoring wells, to better characterize the extent of the contamination, to get a better handle on what the next steps in cleaning it up need to be.

"We need to know," Bearzi said in an interview, "and we need to know now."



{In Archive} EPA lead test kits

Wallace, Andrew (Tom Udall) to: Fannia

'. Fanning

Cc: "Woldman, Bill (Tom Udall)", "Cobb, Sarah (Tom Udall)"

04/08/2010 11:32 AM

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To: Cc: Patricia Haman/DC/USEPA/US@EPA, Cynthia Fanning/R6/USEPA/US@EPA

"Woldman, Bill (Tom Udall)" <Bill_Woldman@tomudall.senate.gov>, "Cobb, Sarah (Tom Udall)" <Sarah_Cobb@tomudall.senate.gov>

History:

This message has been forwarded.

Archive:

This message is being viewed in an archive.

Good afternoon EPA folks,

We have a constituent, Tom Poulin, President of Poulin Remodeling in Albuquerque, NM, who is contacting us because he is unable to find the EPA lead based paint test kits to comply with the new EPA lead rule. His company is registered with EPA and his workers have been trained and certified, at significant expense to his company, but he is unable to obtain the test kits required by the new law. What should we tell him to do to fix this problem prior to the 4/22 deadline when the new rules come into effect?

Also, could you explain whether the opt-out is still available for work on a home where there are no pregnant women or children under the age of 6? It's my understanding that this exists currently, but not sure if the new EPA rule changed that.

Thank you for your help with this. -Drew

Andrew G. Wallace Senior Policy Advisor Office of Senator Tom Udall (NM) 110 Hart Senate Office Building



{In Archive} RE: EPA news brief: EPA Awards Over \$1.7 Million to the New

Mexico Environment Department

Wallace, Andrew (Tom Udall) to: Cynthia Fanning

01/27/2010 01:19 PM

From:

"Wallace, Andrew (Tom Udali)" <Andrew_Wallace@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to and forwarded.

Archive:

This message is being viewed in an archive.

This is great. Can you just clarify that the projects listed are going to receive this funding, or are they already funded with other \$\$?

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]
Sent: Wednesday, January 27, 2010 2:14 PM

To: Wallace, Andrew (Tom Udall)

Subject: RE: EPA news brief: EPA Awards Over \$1.7 Million to the New

Mexico Environment Department

Drew -

In response to your request, here is some more information about our recent grant to NMED.

1. Can you confirm that this grant is a Sec. 319 CWA state formula grant, or provide me the details with the background on this.

Yes, this is a Section 319 CWA grant.

2. Is the "Clean Water Action Plan" the EPA federal plan or are we referring to the NM plan or what?

This refers to the New Mexico Nonpoint Source Management Program Plan, available at http://www.nmenv.state.nm.us/swqb/wps/plan/.

3. Is EPA aware of the specific projects that NM intends to fund with this grant or is that unknown?

Below is a list of projects currently funded.

FY Core Work Plan

2010 Project : A \$1,200, This Core Work plan is essentially 102 operating cost and covers personnel, fringe, travel, supplies and indirect cost, July 1, 2009 through June 30, 2010

Program Manager: Abe Franklin (505)

827-2793

FY Cimarron Watershed Based Plan

2010 This project is to update the current watershed based 5

Project plan with emphasis on impaired reaches of

\$67,48 Workplan Approved October 2009

Program Manager: Abe Franklin (505)

827-2793

: B Cienequilla, Middle Ponil, Moreno, North Ponil, Ponil, Rayado and Sixmile Creeks. Restoring San Antonio Creek \$167,4 Workplan Approved December 2009 FY Project Officer: Nina Wells (505) This project is to continue restoring riparian habitat , 68 2010 827-0572 Project and function along the San Antonio through the use of innovative geomorphic stream restoration techniques to reduce temperature and turbidity. \$163,9 Workplan Approved November 2009 FY Respect the Rio Project Officer: Delbert Trujillo (505) 2010 This project is to support the Santa Fe National Project Forest's efforts to implement Best Management 827-2867 Practice's in high use watersheds 96610 Ground Water Projects -\$150,0 Progress Report Received November These projects are for Community Waterfair Outreach 00 1-14 FΥ testing and Septic and leachfield permitting Project Officer: Melanie Sanchez (505)

222-9574

I hope this information is helpful. Please let me know if you have any further questions.

Cynthia Fanning Congressional Liaison US EPA, Region 6 214-665-2142 fax 214-665-2118

2010

From: "Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudali.senate.gov>

To: Cynthia Fanning/R6/USEPA/US@EPA

Date: 01/27/2010 10:21 AM

Subject: RE: EPA news brief: EPA Awards Over \$1.7 Million to the New Mexico Environment Department

Cynthia, sorry I missed you when you were in DC a couple weeks ago, but thanks for stopping by. Can you confirm that this grant is a Sec. 319 CWA state formula grant, or provide me the details with the background on this. Also, is the "Clean Water Action Plan" the EPA federal plan or are we referring to the NM plan or what? Also, is EPA aware of the specific projects that NM intends to fund with this grant or is that unknown? Thanks, Drew

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]
Sent: Wednesday, January 27, 2010 9:59 AM
Subject: EPA news brief: EPA Awards Over \$1.7 Million to the New Mexico Environment Department

This is to let you know that the following news brief will be distributed to the media today. If you have any questions, or if you wish to be removed from this notification list, please contact me.

EPA Awards Over \$1.7 Million to the New Mexico Environment Department

(Dallas, Texas - January 27, 2010) The Environmental Protection Agency (EPA) has awarded \$1,750,102 to the New Mexico Environment Department (NMED). The funds will be used by NMED to support the Clean Water Action Plan in Priority 1 watersheds in the State of New Mexico. Activities will include education and outreach, water quality monitoring, best management practices for surface and ground water activities as well as the preparation of reports describing the success of Non Point Source monitoring and management practices.

Additional information on EPA grants: http://www.epa.gov/region6/gandf/index.htm

More about activities in EPA Region 6: http://www.epa.gov/region6

EPA audio file is available at http://www.epa.gov/region6/6xa/podcast/jan2010.html

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Cynthia Fanning **Congressional Liaison** US EPA, Region 6 214-665-2142

fax 214-665-2118



{In Archive} RE: EPA news brief: EPA Awards Over \$8 Million to the New Mexico Finance Authority

Wallace, Andrew (Tom Udall) to: Cynthia Fanning

09/23/2009 08:33 AM

From:

"Wallace, Andrew (Tom Udall)" <Andrew_Wallace@tomudall.senate.gov>

To:

Cynthia Fanning/R6/USEPA/US@EPA

History:

This message has been replied to and forwarded.

Archive:

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Does EPA know which communities this \$\$ is going to? Thanks,

Drew

From: Fanning.Cynthia@epamail.epa.gov [mailto:Fanning.Cynthia@epamail.epa.gov]

Sent: Wednesday, September 23, 2009 9:32 AM

Subject: EPA news brief: EPA Awards Over \$8 Million to the New Mexico

Finance Authority

This is to let you know that this news brief will be distributed to New Mexico media today. Please let me know if you have any questions or if you wish to be removed from EPA's notification list.

EPA Awards Over \$8 Million to the New Mexico Finance Authority

(Dallas, Texas – September 23, 2009) The Environmental Protection Agency (EPA) has awarded \$8,146,000 to the New Mexico Finance Authority. The funds will be used to provide loan assistance to eligible public water systems for infrastructure improvements needed to ensure safe drinking water for New Mexico residents. The funds will also be used to provide local assistance, small systems/technical assistance and state program management.

Additional information on EPA grants: http://www.epa.gov/region6/gandf/index.htm

More about activities in EPA Region 6: http://www.epa.gov/region6

EPA audio file is available for 30 days at http://www.epa.gov/region6/6xa/podcast/sep2009.html

Cynthia Fanning
Congressional Liaison
US EPA, Region 6
214-665-2142
fax 214-665-2118